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1852 53 Ct. 2  
[DOC. No. XXII.]

# ABSTRACT

FROM THE

## REPORTS OF CLERKS

OF THE

COURT OF APPEALS AND CIRCUIT COURTS,

RELATIVE TO

SUITS IN THEIR RESPECTIVE COURTS,

1852.

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CLERK'S OFFICE, Nov. 22, 1852.

SIR,

I have the honor to submit, according to law, an abstract from the reports of the clerks of the court of appeals and of the circuit courts, of the business and terms of their respective courts for the year ending the 30th of August 1852.

The abstract is very incomplete and unsatisfactory, in consequence of the failure of a large number of clerks to make the reports required of them.

I am, very respectfully,

Yours, &c.

GEORGE W. MUNFORD,

C. H. D.

*The Honorable the Speaker  
of the House of Delegates.*





# ABSTRACT FROM THE REPORTS OF THE CLERKS

OF THE

## COURT OF APPEALS, SPECIAL COURT OF APPEALS, AND CIRCUIT COURTS,

*For the year ending 30th August 1852, exhibiting the state of Suits in their respective Courts.*

### COURT OF APPEALS.

JUDGES.	CLERKS.	LOCATION OF COURTS.	Suits commenced.	Pending.	Decided.	No. of days in session.	REMARKS OF CLERKS.
William H. Cabell, Pres. John J. Allen. Brace G. Baldwin, dead.	Joseph Allen,	Richmond,	73	405	62	160	The term of the court commenced on the 15th of October 1851, and ended on the 14th of May 1852, comprising 160 days; having had within that time two recesses, one of 25 days and the other of 26 days, having actually sat one hundred and thirty-five days, exclusive of Sundays, and missed three days when there were not a sufficient number of judges present to constitute a court. Of the 147 pending on the 1st of September last, 18 were decided before the adjournment of the court on the 6th of September.
William Daniel, Richard C. L. Moncre.	John A. North,	Lewisburg,	41	147	83	79	
			114	552	145	239	

# CIRCUIT COURTS.

JUDGES.	CLERKS.	COUNTIES AND CORPORATIONS.	ACTIONS AT LAW.				SUITS IN EQUITY.				PROSECUTIONS.				SESSIONS.				REMARKS.						
			No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. removed to other courts.	No. interlocutory decrees.	No. removed from other courts.	No. final decrees.	No. commenced.	No. pending.	No. decided.	No. nolle pro. to the court.	Changes of venue from the court.	Changes of venue to the court.	Fall term.	Spring term.		Intermediate or special term.	Total.				
1	R. H. Baker,	L. R. Edwards, Joseph Turner, W. P. Underwood, N. P. Young, Peter B. Prentis, J. S. Woodhouse, John W. Thomas, Arthur Emmerson,	46 22 27 37 37 56 245 218	33 13 14 31 16 34 210 62	69 30 22 28 36 54 219 225	- - - - - - 1 7	- - - - - - - -	16 1 3 13 10 20 16 29	34 8 6 23 14 5 64 29	28 5 5 4 4 18 35 16	17 5 4 4 2 4 24 6	- - - - - - - -	- - - - - - - -	5 6 3 11 3 3 9 23	6 7 1 2 3 3 16 13	6 5 2 4 3 4 7 16	1 - - 8 - - - -	- - - - - - - -	5 2 2 3 3 3 25 11	- - - - - - - -	10 4 4 6 8 6 59 24	Note 1. Note 2. Note 3.			
2	J. W. Nash,	Richard Epes, Wm. S. Dance, E. R. Turnbull, J. T. J. Mason, R. H. Mann,	53 69 45 21 108	47 47 32 21 84	48 77 52 16 220	- 1 1 - 1	- - - - 1	9 16 5 10 23	45 88 22 17 114	26 38 12 11 70	11 10 7 7 30	- 2 - - 1	- 1 - - -	4 5 2 2 27	1 6 3 7 52	2 2 1 - 28	4 - - 1 -	- - - - -	- - - - -	3 8 2 3 16	4 9 3 2 23	- - - - -	7 4 21 5 5 39	Note 3.	
		Total in circuit,	296	231	413	3	1	63	286	157	65	3	1	40	62	41	9	-	-	-	32	41	4	77	

2	G. F. Scarborough,	Thos. O. Cogbill, Beliver Shield, S. S. Howard, La Fayette Har- mason. J. W. Gillett,	James City and Williamsburg. York, Warwick. Elizabeth City, Northampton, Accomack, Total in circuit,	74 26 48 5 61 214	46 35 21 7 45 154	202 202 30 25 35 202	7 7 - - 3 1	55 320 5 11 18 55	146 29 41 13 91 320	42 6 30 8 32 118	14 3 9 5 19 50	5 - - - 3 8	1 - - - - 1	12 3 3 4 9 24	17 3 1 1 2 34	1 - 1 4 1 2 8	3 - 1 2 - 6	- - - - - -	11 4 5 5 21 35	14 5 5 4 19 49	- - - - - -	25 109
4	J. B. Christian,	J. O. Pollard, Robert Pollard, jr. James Roy Micon, P. T. Woodward, John R. Carey,	King William, King & Queen, Essex. Middlesex, Gloucester, Mathews. Total in circuit,	28 91 90 71 130 410	10 24 58 15 123 230	30 94 87 56 159 426	- - 6 1 - 7	- 1 23 10 1 2	5 41 47 18 94 230	18 15 34 9 21 97	6 11 10 8 14 49	- - 3 1 2 6	1 - - - - 1	4 1 - 2 6 18	2 2 5 - 2 9	2 - 5 3 - 20	- - 2 - 8 3	- - - - 1 -	5 5 4 3 9 26	3 3 4 2 8 20	- - - - - -	8 8 4 5 17 46
3	J. T. Lomax,	A. J. Brent, J. R. Jeffries, Wm. S. Brown, J. J. Chew,	Lancaster. Northumberland, Richmond co. Westmoreland. King George, Caroline. Spotylvania, Total in circuit,	67 98 19 48 232	48 58 15 48 169	68 93 22 57 240	6 - - - 13	- 7 8 4 1	10 30 16 8 182	6 16 8 33 63	2 9 5 247 263	2 1 - 11 12	1 - - - 12	- 1 - - 3	- 1 - 2 5	7 - 4 5 7	1 - - 1 8	- - - - 1	- 3 3 2 20	21 5 3 2 21	- - - - -	41 59
6	J. W. Tyler,	John S. Byrne, Prince William. Fairfax. Alexandria. Stafford, Total in circuit,	Fauquier, Loudoun. Prince William. Fairfax. Alexandria. Stafford, Total in circuit,	120 125 6 126	242 125 4 246	125 135 10 135	4 - - 4	- 6 - 54	426 116 20 446	116 18 18 134	45 13 13 58	1 1 1 2	2 - - 2	5 6 1 7	6 2 1 4	2 1 2 7	1 - - 1	- - - -	3 3 3 15	8 - - 15	- - - -	30

Note 4.

Note 5.

Note 6.

## CIRCUIT COURTS.

JUDGES.	CLERKS.	COUNTIES AND CORPORATIONS.	ACTIONS AT LAW.				SUITS IN EQUITY.						PROSECUTIONS.				SESSIONS.				REMARKS.
			No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. decided.	No. nolle pro.	Changes of venue from the court.	Changes of venue to the court.	No. commenced.	No. pending.	No. decided.	Fall term.	Spring term.	Intermediate or special term.	Total.	
4	J. B. Clopton,	Chesterfield. Charles City. New Kent. Goochland, Hanover.	112	190	108	1	9	82	24	17	-	-	-	3	-	-	7	5	5	17	
		Total in circuit,	112	190	108	1	9	82	24	17	-	-	-	3	-	-	7	5	5	17	
21	William W. Crump, J. Robertson,	Henrico, City of Richm'd,	526	426	453	-	1	3	3	-	-	-	-	12	17	1	85	59	-	144	
		Total in circuit,	526	426	453	-	1	3	3	-	-	-	-	12	17	1	85	59	-	144	
8	D. A. Wilson,	Cumberland, Buckingham, Rofie Eldridge, Henry F. Bocock, Campbell. Lynchburg,	100	38	92	-	18	66	18	12	3	-	4	25	6	2	8	10	-	18	
		Total in circuit,	100	38	92	-	18	66	18	12	3	-	4	25	6	2	8	10	-	18	
		Total in circuit,	507	542	387	5	-	71	528	109	71	13	-	45	72	19	10	-	29	58	-





# CIRCUIT COURTS.

District.	JUDGES.	CLERKS.	COUNTIES AND CORPORATIONS.	ACTIONS AT LAW.				SUITS IN EQUITY.				PROSECUTIONS.				SESSIONS.				REMARKS.		
				No. commenced.	No. pending.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. decided.	No. nolle pros.	Changes of venue from the court.	Changes of venue to the court.		Fall term.	Spring term.
5	Wm. Leigh,	William Holt, Winslow Robinson, B. J. Worsham, Thomas W. Winn,	Halifax, Charlotte, Prince Edward, Lunenburg, Mecklenburg.	83	91	112	3	2	30	171	32	23	-	-	14	-	5	-	19	21	19	Note 8. Note 9.
				85	26	109	-	-	9	35	25	14	1	-	10	-	6	5	23	23	5	
				95	55	118	4	-	18	71	41	29	-	-	6	8	9	-	5	5	23	
				42	51	43	5	-	16	40	9	14	-	-	5	-	-	-	5	5	5	
			Total in circuit,	305	223	382	12	2	73	317	107	80	1	-	35	8	20	5	68	68	68	
10	N. M. Taliaferro,	J. N. Zentmeyer, Patrick. Henry.	Floyd, Patrick. Henry.	33	37	16	3	-	4	30	14	3	-	-	2	4	-	-	6	6	6	Note 10.
		M. G. Carper, Wm. H. Tunstall,	Franklin, Pittsylvania, Bedford.	133	141	103	2	1	36	99	51	24	2	-	10	9	-	-	19	19	19	Note 11.
				167	188	128	-	-	34	135	25	26	2	-	18	9	-	-	27	27	27	Note 12.
			Total in circuit,	333	366	247	5	1	74	264	90	53	4	-	29	48	36	5	52	52	52	
611	R. H. Field,	David M. Hunter,	Louisa, Fluvanna.	117	180	91	-	-	19	85	21	11	-	-	5	7	-	-	10	10	10	
		Robt. Pritchett,	Orange. Greene, Madison.	32	24	17	-	-	5	23	6	5	-	-	9	4	4	2	12	12	12	
		W. J. Menefee,	Culpeper. Rappahannock,	18	26	15	4	-	12	49	27	6	-	-	2	6	1	-	7	7	7	Note 13.
			Total in circuit.	167	230	123	4	-	36	157	54	22	-	-	16	17	5	2	29	29	29	

12	L. P. Thompson,	O. Loving,	Amherst, Rockbridge, Nelson, Albemarle, Augusta.	151	905	120	2	-	34	324	76	34	2	-	35	42	4	-	-	-	8	9	-	-	17
			Total in circuit,	151	905	120	2	-	34	324	76	34	2	-	35	42	4	-	-	-	8	9	-	-	17
13	R. E. Parker,	Israel Robinson, John O. Ferrall, J. B. White, D. H. McGuire,	Jefferson, Berkeley, Morgan, Hampshire, Frederick, Clarke,	166	146	157	2	-	23	154	83	17	-	-	19	12	11	4	-	-	6	8	-	-	14
				34	37	26	-	-	4	25	4	4	-	-	20	23	24	13	-	-	3	3	-	-	6
				176	184	208	3	-	22	175	54	21	-	-	14	9	10	1	-	-	8	12	-	-	20
				65	32	67	-	-	10	34	6	2	-	-	3	9	5	3	-	-	4	3	-	-	7
			Total in circuit,	441	399	458	5	-	59	398	147	44	-	-	56	53	50	31	-	-	21	26	-	-	47

Note 14.

# CIRCUIT COURTS.

Districts.	JUDGES.	CLERKS.	COUNTIES AND CORPORATIONS.	ACTIONS AT LAW.				SUITS IN EQUITY.						PROSECUTIONS.						SESSIONS.				REMARKS.	
				No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. decided.	No. nolle pros.	Changes of venue from the court.	Changes of venue to the court.	Fall term.	Spring term.	Intermediate or special terms.	Total		
14	Green B. Samuel,	G. T. Jones,	Page, Shenandoah.	21	9	13	-	1	6	13	5	5	2	-	2	2	-	-	3	2	-	5	Note 15.		
		Robert Turner,	Warren,	79	24	66	-	-	6	30	23	8	-	-	4	3	1	2	3	4	-	7			
		Charles Lobb,	Hardy,	67	132	46	6	-	11	142	13	5	-	-	3	4	-	-	6	-	-	6			
		Ed. W. Dyer,	Pendleton,	13	25	15	-	-	9	16	-	4	-	-	5	19	15	2	3	4	-	7			
		A. St. C. Sprinkel,	Rockingham,	195	153	182	1	-	31	98	38	10	-	-	11	24	14	-	-	11	7	-	18		
8 15	Benj'n Estill,	J. W. S. Morison, Hansf'd W. Carter, T. C. M. Alderson, Tazewell. Washington, Smyth.	Total in circuit,	375	343	322	7	1	63	299	79	32	2	-	25	52	32	4	-	26	17	-	43		
			Lee,	31	97	11	-	-	8	65	3	1	-	-	-	15	41	6	1	3	-	-	3		
			Scott,	23	89	-	-	-	7	49	-	-	-	-	-	-	16	-	-	-	-	-	-		
			Russell,	21	61	-	-	-	11	47	-	-	-	-	-	-	40	-	-	-	-	-	-	Note 16.	
			P. J. Branch,	24	55	29	-	-	8	119	5	3	-	-	-	8	22	9	-	-	11	-	-	11	Note 17.
16	J. E. Brown,	Wm. Lindsey, R. D. Montague, R. A. French, Geo. W. Hutchinson, son,	Total in circuit,	99	302	40	-	-	34	280	8	4	-	-	23	119	15	1	-	14	-	-	14		
			Wythe.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
			Grayson.	32	88	41	-	-	16	61	17	4	-	-	-	12	6	13	18	-	6	-	6	Note 18.	
			Carroll,	157	126	89	6	-	3	40	7	7	-	-	-	12	11	6	4	-	5	2	-	7	
			Pulaski.	109	79	78	1	-	5	36	16	8	-	-	-	17	25	4	-	-	5	3	-	8	
			Giles.	56	60	57	-	-	12	65	12	11	-	10	13	5	9	-	6	6	-	12			
			Mercer.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
			Monroe,	354	353	265	7	-	36	202	52	30	-	51	55	28	31	-	16	17	-	6	39		
			Total in circuit,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	



917	E. Johnston,	G. Neville, C. G. Hill, Andrew Fudge,	104 7 34	122 6 32	103 31	7 - -	2 - 1	22 10 6	172 13 24	18 2 9	42 - 4	- - -	3 - 5	3 2 4	20 2 4	4 - 2	- - 1	- - -	9 2 3	12 3 3	- 5 6
		A. Stephenson, jr. William S. Keen, John A. North,	49 59 61	54 50 45	34 43 90	- - 1	- - 1	4 10 20	12 39 82	- 4 26	1 3 16	- - -	- - -	5 4 1	7 4 16	18 2 8	14 1 7	- - -	3 3 9	2 4 7	5 7 16
		Total in circuit,	314	309	300	8	3	72	342	59	66	3	3	21	53	34	23	-	29	31	60
18	Mat. Dunbar,	Logan. Boone. Fayette. Nicholas. Wyoming. Raleigh. Putnam, Kanawha,																			
		H. H. Forbs, A. W. Quarrier,	52 535	35 456	37 530	- -	- 1	14 52	34 232	6 67	7 16	- -	- -	- 17	23 37	10 7	2 10	- -	6 39	5 32	- 71
		Total in circuit,	593	491	567	-	1	66	266	73	23	1	-	37	60	17	12	-	45	37	82
1019	D. McComas,	Gilmer. Ritchie, Wood, Pleasants, Wirt, Jackson. Mason, Cabell, Wayne,	94 118 60 70	77 295 49	53 123 11	- - 3	- -	19 25 7	34 136 7	10 34 4	6 41	- -	- -	25 30 14	45 85 12	10 14 -	6 5 2	1 20 1	3 7 2	4 27 3	7
		C. B. Waggener, John Samuels, Ezekiel S. Bloss,	61 42 14	82 25 19	54 49 21	- 3 -	- 3 -	9 14 10	19 24 13	3 9 8	8 10 10	- -	- -	3 28 72	20 39 94	8 49 29	2 37 29	- -	7 8 4	6 6 4	13 14 8
		Total in circuit,	459	704	311	6	-	97	275	72	75	-	-	177	311	126	53	1	47	32	79

Note 19.

Note 20.

# CIRCUIT COURTS.

JUDGES.	CLERKS.	COUNTIES. AND CORPORATIONS.	ACTIONS AT LAW.				SUITS IN EQUITY.				PROSECUTIONS.					SESSIONS.				REMARKS.			
			No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. final decrees.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. decided.	No. nolle proqs.	Changes of venue from the court.	Changes of venue to the court.	Full term.		Spring term.	Intermediate or special terms.	Total.
20	J. L. Fry,	-																					
	James D. Morris,	Hancock. Brooke. Ohio.	91	72	61	-	16	-	7	18	-	-	5	1	4	-	-	-	8	9	-	17	
	Frank D. Hickman,	Marshall, Wetzel. Tyler. Doddridge, Monongalia.	43	52	36	2	14	61	7	5	4	-	2	11	2	-	-	-	-	5	-	5	
	Total in circuit,		134	124	97	2	30	61	14	23	4	-	7	12	6	-	-	-	8	14	-	22	
22	G. H. Lee,	T. G. Watson, James H. Carroll, A. Armstrong, L. D. Morrall, B. L. Brown,	212	176	186	-	32	72	41	29	-	1	47	32	31	12	-	-	10	9	26	45	Note 21.
			140	101	95	-	42	99	30	15	-	-	41	71	9	55	-	-	11	8	-	19	Note 22.
			59	57	62	7	5	24	16	6	-	-	5	8	8	-	-	-	6	7	-	13	
			58	114	35	6	46	131	12	28	-	6	13	20	7	-	-	-	9	9	-	18	
			28	58	15	3	10	32	9	4	-	1	10	13	12	19	-	-	7	7	-	14	Note 23.
		Braxton. Lewis.																					
	G. G. Davisson, George W. Miller,	Harrison, Upshur,	121	162	154	7	19	228	22	21	2	3	39	68	14	9	-	-	34	-	23	57	Note 24.
			46	16	20	5	23	20	-	3	1	1	10	11	2	2	-	-	8	2	-	10	Note 25.
		Total in circuit,	665	684	567	28	8177	606	130	106	3	12	165	233	63	97	-	-	85	42	49	176	



# RECAPITULATION.

## CIRCUIT SUPERIOR COURTS OF LAW AND CHANCERY.

*Number of Suits, &c. in each Circuit, 30th August 1852.*

District.	No. of counties and corporations in each circuit.	JUDGES.	ACTIONS AT LAW.				SUITS IN EQUITY.						PROSECUTIONS.					DAYS OF SESSION.				REMARKS.	
			No. commenced.	No. pending.	No. decided.	No. removed from other courts.	No. commenced.	No. pending.	No. interlocutory decrees.	No. removed from other courts.	No. removed to other courts.	No. commenced.	No. pending.	No. decided.	No. nolle pros.	Changes of venue from the court.	Changes of venue to the court.	Fall.	Spring.	Intermediate or special terms.	Total.		
1	1	8	R. H. Baker,	688	413	683	8	1	90	189	123	65	-	63	61	47	12	-	66	55	-	121	No reports from Amelia and Prince George.
2	2	8	J. W. Nash,	296	231	413	3	1	63	286	157	65	3	40	62	41	9	-	32	41	4	77	No report from Warwick.
3	3	7	G. P. Scarborough,	214	154	202	7	1	55	320	118	50	8	24	34	8	6	-	35	49	25	109	No report from Mathews.
4	4	6	J. B. Christian,	410	230	426	7	2	64	230	97	49	6	18	9	20	3	-	26	20	-	46	No report from Lancaster, Westmoreland and Carlisle.
5	5	7	J. T. Lomax,	232	169	240	13	1	30	182	63	263	12	3	12	8	1	-	28	31	-	59	No report from London, Prince William, Fairfax and Alexandria.
6	6	6	J. W. Tyler,	126	246	135	4	-	54	446	134	58	2	7	7	4	1	1	15	15	-	30	No report from Chesterfield, Charles City, New Kent and Hanover.
7	5	J. B. Clopton,	112	190	108	1	-	9	82	24	17	-	-	-	3	-	-	-	7	5	5	17	No report from Campbell.
8	1	Wm. W. Crump,	526	426	453	-	1	3	3	-	-	-	-	-	12	17	-	-	85	59	-	144	No report from Campbell.
9	1	John Robertson,	-	-	-	-	-	128	711	354	212	6	-	-	-	-	-	-	69	25	45	139	No report from Campbell.
10	5	D. A. Wilson,	507	542	387	5	-	71	528	109	71	13	-	45	72	19	10	-	29	58	-	87	No report from Campbell.



5	9	5	Wm. Leigh,	306	923	389	12	2	73	317	107	80	1	-	43	105	57	35	-	-	35	8	26	68	No report from Mecklenburg.
10		6	N. M. Taliaferro,	333	368	247	5	1	74	264	90	53	4	-	29	48	30	5	-	-	30	22	-	52	No report from Patrick, Henry and Bedford.
6	11	7	R. H. Field,	167	230	123	4	-	36	157	54	22	-	-	16	17	5	2	-	-	11	9	9	29	No report from Fluvanna, Orange, Madison and Culpeper.
12		5	L. P. Thompson,	151	205	120	2	-	34	324	76	34	2	-	35	42	4	-	-	-	8	9	-	17	No report from Amherst, Rockbridge, Albemarle and Augusta.
7	13	6	R. E. Parker,	441	399	458	5	-	59	388	147	44	-	-	56	53	50	21	-	-	21	26	-	47	No report from Jefferson and Frederick.
14		6	Green B. Samuel,	375	343	322	7	1	63	299	79	32	2	-	25	52	32	4	-	-	26	17	-	43	No report from Shenandoah.
8	15	6	Benjamin Edill,	99	302	40	-	-	34	280	8	4	-	-	23	119	15	1	-	-	14	-	-	14	No report from Tazewell and Smyth.
16		8	J. E. Brown,	354	353	265	7	-	35	202	52	30	-	-	51	55	28	31	-	-	16	17	6	39	No report from Wythe, Grayson, Pulaski and Mercer.
9	17	8	E. Johnston,	314	309	300	8	3	72	242	59	66	3	3	21	53	34	23	-	-	29	31	-	60	No report from Roanoke and Bath.
15		8	Mathew Dunbar,	593	491	567	-	1	66	266	73	23	1	-	37	60	17	12	-	-	45	37	-	82	No report from Logan, Boone, Fayette, Nicholas, Wyoming and Raleigh.
10	19	9	D. McComas,	459	704	311	6	-	97	275	72	75	-	-	177	311	126	53	1	1	47	32	-	79	No report from Gilmer and Jackson.
20		8	J. L. Fry,	134	124	97	2	-	30	61	14	23	4	-	7	12	6	-	-	-	8	14	-	22	No report from Hancock, Brooke, Ohio, Wetzel, Tyler and Monongalia.
22		9	G. H. Lee,	665	684	567	28	8	177	606	130	106	3	12	165	233	83	97	-	-	85	42	49	176	No report from Braxton and Lewis.
				7501	7334	6846	134	23	1418	6758	2140	1442	70	21	885	1432	657	326	2	2	777	616	169	1557	

## RECAPITULATION—continued.

Judgments at law,	-	-	-	-	-	6,846
Interlocutory decrees,	-	-	-	-	-	2,140
Final decrees,	-	-	-	-	-	1,442
Total decisions from which appeals may be had,	-	-	-	-	-	<u>10,428</u>

Number of appeals allowed,	-	-	-	-	-	114
Causes decided in court of appeals,	-	-	-	-	-	145
Excess of decisions over appeals,	-	-	-	-	-	<u>31</u>

I. E.

GEORGE W. MUNFORD,  
C. H. D.

## REMARKS OF CLERKS.

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### FIRST CIRCUIT.

*Note 1.—GREENESVILLE.*—In this report dismissals at rules and in court are included, and judgments on forthcoming bonds. Amongst the final chancery decrees is an order permitting a "nonresident" guardian to remove his ward's property from the state.

*Note 2.—SUMMIT.*—Of the number of suits stated to be pending at law, one is a motion by a security against his principal for money paid as security, and one is an issue out of chancery. Of the number stated to have been decided, five were dismissals in court, one was an appeal, and two were judgments on forthcoming bonds.

### SECOND CIRCUIT.

*Note 3.—NOTTOWAY.*—In the number of suits, both actions at law and suits in equity decided, all dismissals and abatements at rules are included, as in the form laid down there is no way of distinguishing between suits finally disposed of in this way, and those in which judgments and final decrees were rendered. Suits which have abated or been dismissed at rules, are docketed along with other office judgments, and entered up in the same book as dismissals and abatements. The number reported as pending were those undecided the last day of August 1852.

### FOURTH CIRCUIT.

*Note 4.—ESSEX.*—Among the number pending at law, are included six rules against witnesses for failing to attend, and in those decided are judgments confessed in the clerk's office. In two instances the suits became divided—one defendant in each confessed a judgment in court, and the office judgments confirmed against the other defendants. Among the interlocutory decrees in chancery are included all orders allowing parties to file answers and to amend pleadings and orders dissolving injunctions. In the final decrees are included orders dismissing suits and dismissing injunctions and dismissals at rules.

*Note 5.—GLOUCESTER.*—Suits commenced are those commenced by process only. Among those decided, dismissals and confessions of judgment are included. The case removed to another court was removed to Middlesex. The number of final decrees includes dismissals. Of the number of suits in equity removed from other courts, one was from the county court and one from James City. Of the prosecutions commenced, two were felonies. This is a very troublesome business, and the clerks ought to be paid for it.

### FIFTH CIRCUIT.

*Note 6.—SPOTSYLVANIA.*—In the number of final decrees are included suits discontinued under 7th sec. of chap. 173 Code of Virginia.

## NINTH CIRCUIT.

*Note 8.—CHARLOTTE.*—The whole of the fall term 1851 was occupied in the trial of a criminal for murder.

*Note 9.—PRINCE EDWARD.*—The law arranging the circuit courts, passed the 22d May 1852, fixes the courts of this county the 12th August and 12th March; we have therefore had three regular terms of the court within the last year. The court held in August is placed under the head of intermediate terms.

## TENTH CIRCUIT.

*Note 11.—FRANKLIN.*—There were many motions upon which judgments were rendered, which are not included in the number of suits commenced and decided. There was also a prisoner tried and convicted of felony at the fall term.

*Note 12.—PITTSYLVANIA.*—Of the actions at law pending, 109 are upon the court docket, and 79 on the office judgment docket and rule docket. Of the law cases decided, 67 were judgments by default in the office and became final.

*Note 10.—FLOYD.*—August court commenced on the 30th, consequently only two days of the term are embraced in this report.

## ELEVENTH CIRCUIT.

*Note 13.—RAPPAHANNOCK.*—Motions on forthcoming bonds, other motions and proceedings against witnesses, &c. not included.

## THIRTEENTH CIRCUIT.

*Note 14.—HAMPSHIRE.*—In the number of common law causes ended are included all notices under the act of 1849 for the recovery of debts, and notices against sheriffs and of sheriffs against their deputies. Of the chancery suits 82 are on trial docket, 80 on deferred issue docket, and 16 at rules. A large number of these suits are awaiting reports.

## FOURTEENTH CIRCUIT.

*Note 15.—PAGE.*—The business in the circuit court of Page seems to be increasing under the new law. I cannot define the object of this report unless it is to ascertain the most judicious plan of litigation, which cannot be done unless all the courts were compelled to make similar returns.

## FIFTEENTH CIRCUIT.

*Note 17.—WASHINGTON.*—Owing to the bad health of Judge Estill, late judge of this circuit, there was no circuit court held for the county in the fall of 1851 or spring of 1852. Judge Hopkins, the present judge, commenced his courts for the circuit in this county on the 30th day of August last, from the end of which term the above report of cases is made up.

*Note 16.—RUSSELL.*—I have not included dismissions in the office.

## SIXTEENTH CIRCUIT.

*Note 18.—CARROLL.*—The time of holding the fall term of the circuit court of Carroll county has been changed from the 25th of March and August to the first Monday in April and September. The last fall term was not held until after the last day of August 1852. Decisions, &c. of the last term not included in this report.

## SEVENTEENTH CIRCUIT.

*Note 19.—BORTHOFT.*—From a comparison of this with the last report, it will be seen that the common law business has continued to increase somewhat, while the chancery business has slowly decreased. The number of prosecutions still continues to grow less, which speaks well for the morality of our citizens. Of the number of chancery suits decided, nearly one-half were dismissals at rules in the office.

## NINETEENTH CIRCUIT.

*Note 20.—WOOD.*—No court held at the August term 1852, on account of cholera.

## TWENTY-FIRST CIRCUIT.

*Note 7.—CITY OF RICHMOND.*—Of the final decrees, 69 were dismissals under the statute for want of proceedings within 7 years; and of the said 69 dismissals, 33 were of cases pending at the rules. Besides the final decrees, there were 13 dismissals of causes pending at the rules. At the November special term 1851, Judge Wm. W. Crump occupied the bench ten days, for the trial of such cases as Judge Robertson declined to decide. The balance of the term Judge Robertson was engaged in the regular business of the court. At the January term 1852, Judge Crump occupied the bench nine days for the purpose above mentioned. The balance of the term Judge Robertson was engaged in the regular business of the court. April special term 1852 was held exclusively by Judge Robertson. June regular term 1852 was also held exclusively by Judge Robertson. Of the suits commenced, one only was a writ of scire facias to revive a decree, and one a summons to answer a suggestion.

## TWENTY-SECOND CIRCUIT.

*Note 24.—HARRISON.*—In addition to the number of days reported, Judge Lee held a special term of three days in March last for trial of criminals confined in jail for felony, but in consequence of the absence of witnesses no trials were had. We had no regular spring term in consequence of the disarrangement of affairs under the new constitution. Judge Lee being elected to the court of appeals, had to leave for Lewisburg before the commencement of our term, and Judge Camden could not issue a warrant for a special term till after the first of July, and at which special term Judge Camden presided eight days and Judge Edmiston the remainder of the session.

*Note 23.—RANDOLPH.*—Of the prosecutions decided two were for felony, one for forgery, and the other for grand larceny, both of whom were convicted. Of the number of nolle prosequis there was one case of felony and one for misdemeanor, which abated by the death of the defendant.

*Note 25.—UPSHUR.*—Owing to a change in the terms of this court there were three terms of the same during the present year, to wit: 17th November 1851, 17th June 1852. and 20th August 1852.

*Note 21.—MARION.*—Motions on forthcoming bonds, attachments issued by justices, and suggestions claiming damages on roads not included.

*Note 22.—PRYSTON.*—Of the nolle prosequis, defendants acknowledged judgment for costs on twenty-four of these.









[DOC. No. XXIII.]

COMMUNICATION FROM GOVERNOR

RELATIVE TO

VIRGINIA LAND WARRANTS.

1852.



EXECUTIVE DEPARTMENT,  
November 23, 1852.

*Senate and House of Delegates of Virginia.*

GENTLEMEN,

In the month of September last, I received from the honorable secretary of the interior of the United States a certified copy of an act of congress, approved the 31st of August last, entitled "an act making further provision for the satisfaction of Virginia land warrants," which, together with the two letters from that officer upon the subject, I have the honor to submit herewith.

It will be seen that, in his letter of the 4th October 1852, the secretary desires "to be informed whether, under existing laws, you (I) are authorized to execute the relinquishment required, or whether further legislative action on the part of Virginia will be necessary."

As I regarded this question not *clearly* settled by the resolutions of the general assembly of Virginia, adopted 22d January 1851 and 12th April 1852, I referred the case to the attorney general for his written opinion upon that subject. This officer replied to my enquiry upon the 6th of October 1852, and I respectfully communicate herewith his opinion, containing as it does a concise statement of the points raised by this question, and in which I fully concur.

It will be perceived that the act provides only for "outstanding military land warrants or parts of warrants *issued or allowed* prior to the first day of March eighteen hundred and fifty-two," whereas the resolution of Virginia limits only the "*prosecution*," or, as it has been construed, the *presentation* of those claims to that time. It may be proper, therefore, that I should inform you that since the 1st of March 1852 one claim for bounty land, which had been presented before that time, has been allowed, and another, in the same situation, is now under consideration.

Inviting for this subject your early and earnest attention, I submit it for such action as you may think proper in the premises.

Very respectfully,

JOS. JOHNSON.



DEPARTMENT OF THE INTERIOR,  
*Washington, Sept. 22, 1852.*

SIR,

Enclosed I have the honor to transmit to you a certified copy of an act of congress, approved the 31st ultimo, entitled "an act making further provisions for the satisfaction of Virginia land warrants."

You will perceive that the first section of the act provides for the issuing of scrip, to be receivable in the purchase of any lands of the United States subject to sale at private entry, for all unsatisfied outstanding land warrants or parts of warrants issued or allowed prior to the 1st of March 1852, and which were fairly and justly issued in pursuance of the laws of the commonwealth of Virginia; and that the second section declares that the act shall be taken as a full and final adjustment of all the bounty land claims in question, and that the state of Virginia shall, by a proper act of the legislature thereof, relinquish all claim to the lands in the Virginia military land district in the state of Ohio.

It has been decided that the second section of the act must be regarded as of the character of a proviso to the first section, and that the execution of that section is contingent upon a compliance on the part of Virginia with the requirements of the second section. I have therefore the honor to notify you that the department awaits the receipt of the proper evidence of the legislative action on the part of Virginia, as required by the act of congress referred to.

I have the honor to be, sir,

With much respect,

Your obedient servant,

ALEX. H. H. STUART,  
*Secretary.*

*His Excellency* JOSEPH JOHNSON,  
*Governor of the State of Virginia, Richmond.*



## PUBLIC ACT No. 65.

*An act making further Provisions for the Satisfaction of Virginia Land Warrants.*

*Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That all unsatisfied outstanding military land warrants or parts of warrants, issued or allowed prior to the first day of March eighteen hundred and fifty-two, by the proper authorities of the commonwealth of Virginia for military services performed by the officers and soldiers, seamen or marines of the Virginia state and continental lines in the army or navy of the Revolution, may be surrendered to the secretary of the interior, who, upon being satisfied, by a revision of the proofs or by additional testimony, that any warrant thus surrendered was fairly and justly issued in pursuance of the laws of said commonwealth, for military services so rendered, shall issue land scrip in favor of the present proprietors of any warrant thus surrendered, for the whole or any portion thereof yet unsatisfied, at the rate of one dollar and twenty-five cents for each acre mentioned in the warrant thus surrendered, and which remains unsatisfied; which scrip shall be receivable in payment for any lands owned by the United States subject to sale at private entry; and said scrip shall, moreover, be assignable by endorsement attested by two witnesses. In issuing such scrip, the said secretary is authorized, when there are more persons than one interested in the same warrant, to issue to each person scrip for his or her portion of the warrant; and where infants or femes covert may be entitled to any scrip, the guardian of the infant and the husband of the feme covert may receive and sell or locate the same: *Provided,* That no less than a legal subdivision shall be entered and paid for by the scrip issued in virtue of this act.

*SEC. 2. And be it further enacted,* That this act shall be taken as a full and final adjustment of all bounty land claims to the officers and soldiers, seamen and marines of the state of Virginia for services in the war of the Revolution: *Provided,* That the state of Virginia shall, by a proper act of the legislature thereof, relinquish all claim to the lands in the Virginia military land district in the state of Ohio.

*SEC. 3. And be it further enacted,* That in settling the claims of the state of Ohio, under the acts of March second, eighteen hundred and twenty-seven, and May twenty-fourth, eighteen hundred and twenty-eight, granting lands to said state for canal purposes, the same principles shall be acted upon as have been applied under the provisions of the act of May the ninth, eighteen hundred and forty-eight, entitled "an act in addition to an act therein mentioned," for the settlement of the claims of the state of Indiana accruing under the said act of March the second, eighteen hundred and twenty-seven.

*Approved August 31, 1852.*

DEPARTMENT OF STATE,  
Washington, Sept. 23, 1852.

A correct copy carefully collated with the original roll.

W. HUNTER, *Chief Clerk.*





DEPARTMENT OF THE INTERIOR,  
*Washington, October 4, 1852.*

SIR,

I had the honor to address you on the 23d ult., on the subject of the execution of the act of congress approved August 31, 1852, entitled "an act making further provision for the satisfaction of Virginia land warrants."

As the applications for scrip, as provided for by this law, are very numerous, I respectfully request to be informed whether under existing laws you are authorized to execute the relinquishment required, or whether further legislative action on the part of Virginia will be necessary. I desire this information, to enable me to respond to the various enquiries of the parties interested, and shall be glad to receive your reply at as early a day as may be convenient.

I am sir, very respectfully,

Your ob't serv't,

ALEX. H. H. STUART, *Sec'y.*

*His Excellency* JOSEPH JOHNSON,  
*Governor of the State of Virginia.*



ATTORNEY GENERAL'S OFFICE,  
October 6, 1852.

DEAR SIR,

I have examined the act of congress "making further provision for the satisfaction of Virginia land warrants," approved 31st Aug. 1852, which you submitted yesterday, and in connection with it the resolutions of the general assembly of Virginia on that subject, adopted 22d Jan. 1851 and 12th April 1852.

It appears by the communication of the secretary of the interior, accompanying the act, that the authorities of the United States have decided, that before the holders of Virginia land warrants can have the benefit of the first section of the act, two conditions set forth in the second section must be performed on the part of Virginia, viz :

1. The act must be accepted as a full and final adjustment of all bounty land claims to the officers, soldiers, seamen and marines of Virginia, for services in the war of the revolution. And,

2. The state of Virginia, by a proper act of its legislature, must relinquish all claim to the lands in the Virginia military land district in the state of Ohio.

In this state of things, I should not deem it advisable that the executive should execute deeds under the conditional authority contained in the 2d resolution of 1851, and therefore advise that the act of congress, with the communication of the secretary of the interior, be laid before the general assembly at its meeting in November, with such recommendations as to the governor may seem wise.

It may be proper to suggest, that if any applications for bounty in lands were in a state of prosecution before the executive on the 1st of March last, and had not been decided, it would be well also to make these known to the legislature, because if there be any claims allowed after the 1st of March, the act of congress makes no provision for them, and its acceptance will prevent any from being made hereafter.

Very respectfully,

W. P. BOCKO.

*His Excellency* JOS. JOHNSON,  
*Governor of Virginia.*



[DOC. No. XXIV.]

REPORT

OF

THE SELECT COMMITTEE

ON THE SUBJECT OF

VIRGINIA LAND WARRANTS.

1852.



## REPORT.

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The select committee, to whom was referred the governor's message relating to the recent act of congress providing for the satisfaction of outstanding Virginia land warrants, issued for military services in the war of the Revolution, submit the following report :

In 1830 the congress of the United States, having had its attention called to the subject by the action of the legislature of Virginia, made an appropriation of scrip in satisfaction of Virginia military land warrants then outstanding, the "good lands" in the military district in Ohio, which had been set apart for that object, having been nearly exhausted.

Two other appropriations of the same character were subsequently made—the last of them in the year 1834.

These several appropriations proving insufficient, the legislature of Virginia have repeatedly called on congress to supply the deficiency by the passage of an act embracing all unsatisfied warrants.

In 1851 the attention of congress was urgently invoked to the subject by an elaborate report, setting forth the merits of the claims asserted, and meeting the objections usually taken to their further recognition; and as an inducement to a further appropriation of scrip, a resolution was adopted, authorizing the governor, in the event of such further appropriation, to execute a deed ceding to the United States the refuse lands to which Virginia had claim in the military district in Ohio.

At the opening of the present session, the attention of the general assembly was again called to the subject by the urgent demand of many citizens holding unsatisfied warrants for payment out of the treasury of the state. The legislature declined to recognize the obligation of the state to make direct payment in the premises, but again invited the attention of congress to the subject; and as a further inducement to a further appropriation, instructed our senators and requested our representatives in congress to accept any law providing for the satisfaction of the outstanding warrants, "as a full discharge of all claim of this state upon the United States, on account of the land bounties of her officers and soldiers for services in the war of the Revolution."

These repeated appeals to the justice of congress were finally answered by the passage of a law on the 31st of August last, making an appropriation of scrip on the terms and conditions indicated by the legislature of Virginia, and without which, your committee are assured that law could not have been passed.

All that now remains to make the appropriation available to the people of Virginia, is a compliance with these conditions, which compliance your committee unhesitatingly recommend, and to that end they advise the adoption of the following resolution :

*Resolved by the general assembly,* That in consideration of the appropriation made by the act of congress aforesaid, all claim of the state of Virginia to the lands in the Virginia military land district in the state of Ohio, be and is hereby relinquished to the United States; and that the governor of this commonwealth be and he is hereby authorized and required to execute forthwith a proper deed, relinquishing and ceding to the United States all right, title, claim and interest of the state of Virginia, of, in, and to the lands in the Virginia military land district in the state of Ohio, on the conditions named in the act of congress of 31st August 1852, entitled "an act making further provisions for the satisfaction of Virginia land warrants:" *Provided,* That all warrants or parts of warrants which have been or shall be entered or filed with the surveyor, for entry upon any of the good lands before the deed of cession shall take effect, may be fully entered, surveyed and carried into grant at the discretion of the warrant holders without hindrance by reason of the said cession.

Respectfully submitted.

JOS. SEGAR,  
J. S. DAVISON,  
JOS. R. PENDLETON,  
HIRAM MARTZ,  
HN. ROBERTSON.



[DOC. No. XXV.]

**REPORT**

**OF THE**

**SUPERINTENDENT OF THE ARMORY,**

**OF THE**

**ARMS, ETC.**

**WHICH HAVE BEEN**

**RECEIVED AT AND ISSUED FROM THE ARMORY**

**WITHIN**

**THE LAST FIVE YEARS.**

**1852.**



**Annexed will be found TABLES showing the Arms, etc. which were received at, and issued from, the Armory at Richmond from the first day of January 1847, to the first day of May 1852.**



M B,  
the

Pistol screw-drivers.			
Black ball musket.			
Six pounder guns, iron.	4		
Six pounder carriages complete.	4		
Caissons.	2		
Eighteen pounder cannon, iron.			
Rifle spring vices.			
Brush and picks.			
Cones extra.			
Ten inch mortar.			
Eight inch mortar.			
Ten inch mortar bed.			
Eight inch mortar bed.			
Spare poles, bundle.			
Harness and implements, boxes.			
			REMARKS.





;







# EN of Ja

Sabre belts and plates.	Cavalry pistols, pairs.	Six pounder cannon boms.	Musket ball cartridges.	REMARKS.
36	2			
1	1			
5				
4				
3				
3				
-	-			
-	-			
-	-			
-	-			
-	-			
-	-			
-	20			
75	10			
-	65			
50	50			
-	-			
50				



ts, issues

Cavalry equipment.	Sabre belts and plates.	Cavalry pistols, pairs.	Non-ferrous...	Rifle spring vices.	Six pounder cannon balls.	Musket ball cartridges.	REMARKS.
50	-	30					
-	-	-					
-	-	-					
10	10	5					
-	75						
90	90						
-	-	-					
-	-	-					
-	-	4					
-	-	-					
60	60	60					
50	50	50					
60	60	-					
60	60	60					
45	45	25					
15	15	15					
70	70	70					
60	60	60					
18	18						
17	10						
32	32	-					
-	-	-					
-	-	-					
-	-	-					
-	-	-	8	8			



**nts, issued**

[illegible]









and continued.

1065	2365	3	219	10	98	491	126	22	25	375	2700	REMARKS.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	In good order.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Artillery swords, belts and plates.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Double sets harness complete.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Ball moulds, pairs.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Screw drivers.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Extra pistol cones.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Ball screws.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Rifle spring vices.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Six pounder cannon balls.
-	-	-	-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	-	-	-	Musket ball cartridges.
-	-	-	-	-	-	-	-	-	-	-	-	



[DOC. No. XXVI.]

**COMMUNICATION**

**FROM**

**ROBERT H. GALLAHER,**

**RELATIVE TO**

**PRINTING PROCEEDINGS AND DEBATES**

**OF THE**

**VIRGINIA STATE CONVENTION.**

**1852.**



RICHMOND, NOVEMBER 29, 1852.

SIR,

Will you be pleased to present the enclosed communication to the honorable body over which you preside?

With great respect,

Your obedient servant,

RO. H. GALLAHER.

OSCAR M. CRUTCHFIELD, Esq.,

*Speaker House of Delegates.*





## COMMUNICATION.

RICHMOND, November 29, 1852.

SIR,

I beg leave to call the attention of the honorable body over which you preside, to a subject requiring some action by the legislature at its present session.

On the 20th day of January 1851, I was appointed publisher of the Proceedings and Debates of the Virginia State Convention, then in session for the revision of the constitution; and in pursuance thereof, entered into a contract with the secretary of the body for printing and distributing the same in the form of a Supplement to the several daily papers of the city of Richmond, at a stipulated price. I was also engaged to print, in book form, a Register of the Debates and Proceedings of the Convention, and that honorable body directed the distribution of six hundred copies of the work to its members, and to officers of the government.

On Thursday, the 31st of July 1851, (the day before adjournment,) the following resolutions were adopted by the convention:

1. *Resolved*, That the publisher of the convention, under the superintendence of the secretary of the convention, be authorized to compile from the journal and from the city papers published at the time, a condensed history of the "short session" of this body, held in the months of October and November last; said history to form part of the Register of Debates already ordered for the use of members, and for distribution to the several states and to public officers, according to the late act of assembly.

2. *Resolved*, That the secretary of the convention be authorized to certify, for payment, the accounts of Ro. H. Gallaher for the publication of the said Register of Debates: provided, however, that no greater rates be charged for composition, press-work, and paper, than are now allowed for each in the publication of the Supplement sheet; alterations by members, but not corrections of the printers, to be paid for; and in no instance is compensation to be allowed, except where the type have been actually reset for the Register.

Under the authority aforesaid, and under the obligations of my contract, I proceeded with the printing of the Supplement, and finished it—and have since printed fifty forms of the Register, the greater portion of one large octavo volume. The whole will probably constitute three to four volumes of 1,000 pages each.

The delay in completing the work has been occasioned by two causes, both of which will no doubt be deemed sufficient by your honorable body: the first is,

the unavoidable delay on the part of many members in revising and correcting their speeches, (some of them not yet having done so;) the second, the substantial one, that the auditor of public accounts deemed it his duty to decline further payment, for the want of what he considered sufficient authority.

Having executed printing on the first volume of the Register to the amount of more than two thousand dollars, which is still unpaid, I respectfully submit to your honorable body the propriety of early action upon the subject, and such provision as will enable me, through my trustee, to complete the work according to contract.

With great respect,

Your obedient servant,

RO. H. GALLAHER.

*Hon. Speaker of House of Delegates.*





[DOC. No. XXVII.]

**BOUNDARY LINE**

**BETWEEN**

**MARYLAND AND VIRGINIA.**

**1852.**



**EXECUTIVE DEPARTMENT,**

**NOVEMBER 30, 1852.**

*To the General Assembly of Virginia.*

**\*GENTLEMEN,**

I have the honor to communicate herewith a letter from his excellency the governor of the state of Maryland, together with copies of two acts passed by the general assembly of that state at its last session, making provision for "running and marking" the boundary line between the states of Maryland and Virginia, to which I beg leave to invite your early attention.

**Very respectfully,**

**JOS. JOHNSON.**





## EXECUTIVE DEPARTMENT,

Annapolis, Aug. 30, 1852.

To His Excellency,  
*the Governor of the state of Virginia.*

SIR,

I have the honor herewith to transmit to you copies of two acts passed by the general assembly of Maryland, at its last session; the one entitled "An act to provide for running and marking that portion of the boundary line between the states of Maryland and Virginia, extending from Smith's point, at the mouth of the Potomac river, to the Atlantic ocean," and the other entitled "An act for running and marking the western boundary line of this state."

I respectfully request that your excellency will be so kind as to take the necessary steps to bring to the notice of the legislature of the state of Virginia the matters proposed by the legislature of Maryland in the acts referred to. Immediately upon being notified of the consent of Virginia thereto, I shall be prepared to appoint the commissioner or commissioners on the part of Maryland, and to make such arrangements as may be deemed necessary to carry out the intention of the laws by the authority of which I address you.

I have the honor to be,

With great respect,

Your excellency's ob't serv't,

E. LOUIS LOWE.



## JANUARY SESSION, 1852.

СН. 60.—*An Act to provide for running and marking that portion of the Boundary Line between the States of Maryland and Virginia extending from Smith's Point, at the mouth of the Potomac river, to the Atlantic ocean.*

Whereas it is of great importance that the territorial limits of the state of Maryland be clearly defined, her boundaries permanently established and marked, and where these landmarks are either lost or destroyed, that they be refixed and renewed; and whereas the true location of that portion of the line separating the state of Virginia from the state of Maryland, intervening between Smith's point, at the mouth of the Potomac river, and the Atlantic ocean, has, from lapse of time, become uncertain, thereby involving innocent parties in difficulties by them irremediable: Therefore,

1. Be it enacted by the general assembly of Maryland, That the governor of this state be requested to open a correspondence with the governor of Virginia, relating to retracing and marking the said boundary line dividing the state of Maryland from the state of Virginia, between Smith's point and the Atlantic ocean.

2. And be it enacted, That if the concurrence of the state of Virginia can be obtained to the retracing and marking the said portion of the boundary line dividing the two states, the governor of this state be and he is hereby authorized and empowered to appoint a commissioner on the part of this state, who, together with a commissioner on the part of the state of Virginia, shall proceed to retrace the said portion of the boundary line between this state and the state of Virginia, and to mark the same by the erection of suitable monuments at proper points.

3. And be it enacted, That the legislature hereby reserves to itself the right to fix the compensation of said commissioner.



[DOC. No. XXVIII.]

# PETITION

IN FAVOR OF

THE SPEEDY COMPLETION

OF

THE WORKS OF THE STATE

WHICH ARE

NOW IN PROGRESS.

1852.



## PETITION.

*To the General Assembly.*

Your petitioners respectfully invoke your attention to the annexed resolutions of the Union convention, which, as a committee thereof, they were instructed to place before you. These resolutions contain the deliberate views of the convention respecting the public works in progress and contemplated, and the mode of supplying the means to secure their early construction. The specific works recommended are so familiar to the state, and so high is the sanction under which they are now again commended to your favor, that the advocates and friends of internal improvement everywhere are encouraged to look to you with new and sanguine hopes.

The resolutions are their own best and sufficient appeal. They embody the convictions of tax-payers, after having carefully considered the consequences, in respect both to an increase of the public debt, and the resulting prospects and condition of the state. In other words, the resolutions are the acts of enlightened citizens, who estimate, at its proper value, exemption from taxation, and the wisdom of submitting to present burdens for the sake of future advantages. The people represented in the convention, in numbers a large portion of our entire population, and whose share of the taxes is a large proportion of the whole, are duly impressed with the objections to an increase of the state debt, and are reconciled to it by the certainty and magnitude of the end to be thereby accomplished. After calculating the cost of our public works, they have decided that it was prudent and wise to complete them, in the face of the additions to be made to the taxes, large as they now are. This, it is believed, is the conviction, with inconsiderable exceptions, of the whole state—the exceptions consisting, for the most part, of those who exclude from their view of state duties, any liberal and comprehensive regard to sectional embarrassments and necessities. In short, the resolutions express the sense of tax-payers in respect to the leading public works now in progress, their protest against permitting them to languish or fail, after having expended on them sums too large to lose, and their conviction that delay now to act efficiently would be as disastrous as a determination not to act at all.

The convention did not undertake to institute or design a system of internal improvements. It found a system already devised, and so far advanced as to leave little to be considered, save the policy of completing the works then in a course of execution. Granting that the works in progress are not the most judicious which could have been designed, too much money and labor have been expended upon them, and they assure us of results far too interesting and important, to entertain a question of setting them aside for new schemes. But it might well be doubted, if the question were an open one, whether now any routes could be selected superior to those which the convention found the legislature had decided to occupy. The points to be connected are each incalculably important in their bearings upon

the population and wealth of our state; and any general system from which either was excluded, would be imperfect and short of the just demands and necessities of the state. The intercommunications which will be established, by completing the several lines, will cause our state to become the depot and transit of the most prolific regions of the South, Southwest and West, by means of the connections which the adjacent states are prepared to make therewith, so soon as they reach their borders. But besides these, those more domestic benefits which will ensue upon their construction, namely, the development and appreciation of extensive regions of our own state, condemned hitherto to poverty and neglect for the want of avenues to market, furnish ample vindication of the legislature in designing these works, and of the convention in the effort to induce their early completion.

The convention felt the force of the objections which may be raised to a large and sudden increase of the public debt. But in this again it followed the example of the legislature. The necessity for a large debt might have been avoided, if the policy had been pursued of completing the leading lines in succession, relying on each as it was completed to supply means in aid of the next in order. But the legislature, deciding otherwise, caused the lines to be commenced and prosecuted together, and it is too late, if it were desired, to reverse the policy. The lines are too far advanced, and at a cost much too great, now to allow them to linger or be defeated. The question is no longer, how we shall begin, but what shall we do to render available the vast outlays which have been made, and secure the results proposed at the foundation of the system now brought within our reach? So viewed, the decision must be in favor of prosecuting the works with energy and despatch, if regard be had to the dictates of economy and an enlightened forecast. Prompt and efficient action is due, moreover, to those enterprising citizens who have invested their private means in these public works, and to that yet larger class who approved of the past appropriations as they were made, in the confidence that the works would not be permitted to fail, and that when completed they would speedily redeem their cost.

The addition to the state debt which will ensue upon a vigorous prosecution of the system, will be less in amount than would be lost by suffering the works, or any of them, to go down; and large as it may be, is yet not too large to encounter, in view of the benefits, certain and invaluable, which would be thereby secured. Nor is there likely to be a more favorable period for the negotiation of a large state loan. The premium now obtained upon state stock is an item not to be overlooked in any comprehensive financial view; and would place a fund at your disposal which might be used for a time to diminish the taxation which otherwise would be necessary. Indeed, the present excess of revenue above the charges against it, the premium referred to, and the income which may be expected from investments in the works in progress, when once it is decided to put them vigorously under way, would supersede the necessity of any considerable increase of the taxes. Our sister states have grown rich by debts created for public improvements; and there is nothing wanting to secure for our own the richest rewards of the policy, such is the strength of her position, but the energy and decision to deserve them.

It cannot be necessary further to extend these remarks on the general subject. It may be assumed that the public mind is made up in favor of completing the leading lines recommended by the convention. This done, the commerce of the



valleys of the Ohio and Upper Mississippi and North Carolina will find its shortest and most favorable outlet through our state; and we shall become one people in interest and sentiment, rejoicing over the multiplied and multiplying sources of wealth and greatness then to burst upon us. The people are prepared for any measures which in comprehension and determination, are adapted to the consummation of designs which, sooner or later, must be executed, and which the credit and welfare of the state require to be executed speedily.

The convention decided in favor of loans to the companies, as the most judicious mode of applying the means to construct their improvements. It accordingly recommended that the necessary aid should be provided in that way. It was considered to be due to the companies thus to assist them, and not less due to the state to place the companies under an obligation of ultimately paying the debt contracted on their behalf. The decision is certainly sustained by obvious considerations of equity and policy.

Those whose apprehensions may be excited by an increase of the state debt, will be relieved by finding that responsible parties are liable for it, whilst those who would be content with the assurance given by the objects to which the money was applied, cannot object to the tender of additional security. We assume that the companies will be able to meet the interest of the loans, and to redeem ultimately the principal. We presume your honorable bodies do not question it, at least we are authorized to assume that it was not doubted by the sessions which projected the works and put them in progress. The question of the ability of the companies to redeem the loans resolves itself into the enquiry, whether the improvements they are engaged in constructing are as valuable as they have been and are considered? Determined by that enquiry, which is the true and only test of their responsibility, we submit that the companies are eminently worthy of the confidence you are asked to repose in them.

Presenting thus imperfectly the resolutions of the convention, we beg to be allowed to add the expression of our own to the general solicitude, that your decision, in a matter of such moment to our commonwealth, may redound to its permanent dignity and welfare.

WM. H. MACFARLAND,  
HENRY A. WISE.

*The other members of the committee  
being absent.*



## RESOLUTIONS OF THE CONVENTION

*Resolved*, That the time has arrived when Virginia, if she would retrieve her declining fortunes and save herself from the burden of perpetual taxation, must boldly, with confidence in her own energies, and with a firm determination, strengthened by a proper state pride, not to be thrust aside by younger and more enterprising states, resolve to contend for her legitimate share of the trade of the great valleys of the Ohio and the Mississippi.

2. That in the opinion of this convention, the burden of taxation, now sensibly felt by the people of this commonwealth, can only be thrown off by the completion of works of internal improvement, in which the state has already made large investments, and by promptly forming advantageous connections with the channels of commerce and the thoroughfares of travel in other states.

3. That in view of the railroad connections now being formed in Ohio, Kentucky, North Carolina and Tennessee, the vast interests of Virginia in her works of internal improvement imperiously demand that she shall, at an early day, complete the Virginia and Tennessee railroad to the Tennessee line, and by a railroad connected with her improvements already commenced, unite the waters of the Ohio with those of the Chesapeake.

4. That in the opinion of this convention the state should adopt the policy of lending money to the various internal improvement companies having unfinished works of the first importance, for their completion; said companies to be required to pay the interest and redeem the principal of the money so loaned in the manner prescribed by the new constitution in respect to the state debt, and to give mortgages on their respective works, for the purpose of securing the payment of principal and interest as aforesaid.

5. That aid, upon the foregoing plan, should be granted to the James river and Kanawha company for the completion of the canal to some point at or near Covington, (or Clifton Forge,) and to construct a railroad, with a gauge of five feet, from such point to the Ohio river; to the Central railroad company, for the completion of their road to Covington or Clifton Forge; to the Virginia and Tennessee railroad company, for the completion of their road to the Tennessee line and to construct a branch to the line of the road from Covington to the Ohio; to the Danville, the Southside, the Manassa gap, and the Orange and Alexandria companies, for the completion of their respective works.

6. That the Virginia and Tennessee company should have the privilege of running their freight cars over the Covington and Ohio road; and that there should be no discrimination by the James river and Kanawha company, in respect to charges on freight and travel passing over their road to or from either the Virginia and Tennessee road, or the Virginia Central road.

7. That it be recommended to the general assembly so to amend the charter of the Norfolk and Petersburg railroad company, as to authorize the Board of public works to subscribe for three-fifths of their capital stock.



[ DOC. No. XXIX.]

N U M B E R

OF

REPRESENTATIVES IN CONGRESS

TO WHICH

VIRGINIA IS ENTITLED

UNDER THE

SEVENTH CENSUS.

1852.



EXECUTIVE DEPARTMENT,  
DECEMBER 7, 1852.

*The Senate and House of Delegates of Va.*

GENTLEMEN,

I have the honor to submit herewith an official certificate by the honorable secretary of the interior for the United States, "of the number of representatives apportioned to the state of Virginia, under the last or seventh enumeration of the inhabitants of the United States."

Very respectfully,

JOS. JOHNSON.





DEPARTMENT OF THE INTERIOR,  
Washington, Aug. 10, 1852.

SIR,

Pursuant to the requirements of the 26th section of the act of congress, approved 23d May 1850, entitled "an act providing for the taking the seventh and subsequent censuses of the United States, and to fix the number of the members of the house of representatives, and provide for their future apportionment among the several states," I have the honor to transmit to you herewith my official certificate of the number of representatives apportioned to the state of Virginia, under the last or seventh enumeration of the inhabitants of the United States.

I have the honor to be,

Sir, with much respect,

Your ob't serv't,

ALEX'R H. H. STUART, *Sec'ry.*

*His Excellency the Governor  
of the State of Virginia.*



## CERTIFICATE.

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I, Alexander H. H. Stuart, Secretary of the Interior, do hereby certify, That, in discharge of the duty devolved on me by the provisions of an act of congress approved May 23d, 1850, entitled "An act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the Number of the Members of the House of Representatives, and provide for their future Apportionment among the several States," and in pursuance of the provisions of another act of congress, approved 30th July 1852, entitled "An act supplementary to 'An act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the Number of the Members of the House of Representatives, and provide for their future Apportionment among the several States,' approved twenty-third May eighteen hundred and fifty," I have apportioned the Representatives among the several States, as provided for by said acts, in the manner directed by the 25th section of the act approved 23d May 1850, and the 1st section of the act approved 30th July 1852.

And I do hereby further certify, That the number of Representatives apportioned to the state of Virginia under the last or seventh enumeration of the inhabitants of the United States is Thirteen (13).

[SEAL.] In testimony whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, at the City of Washington, this second day of August, in the year of our Lord one thousand eight hundred and fifty-two.

ALEX'R H. H. STUART.



[DOC. No. XXX.]

# REPORT

OF THE

COMMITTEE OF PRIVILEGES AND ELECTIONS

RELATIVE TO

THE CASE OF GEORGE R. C. PRICE,

THE

DELEGATE FROM HARDY COUNTY.

1852.



## REPORT.

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The committee of privileges and elections, to whom was referred a resolution instructing them to enquire into the fact, and report what measures, if any, are proper to be taken, in order to secure a proper representation for the county of Hardy, have taken the same into consideration, and submit the following report :

Your committee were informed that George R. C. Price, the delegate from the county of Hardy, had been, since his election and qualification, confined by authority of law in the Western Lunatic Asylum at Staunton. Under the powers granted them by the house to send for persons and papers, they caused a subpoena to be issued to Dr. Frs. T. Stribling, the superintendent of said asylum, to appear before them and testify as to the cause of said confinement and to state the present condition of the patient, and required him to produce the record of the committing justices. In compliance with this summons, Dr. Stribling, the superintendent, appeared before the committee and submitted a copy of the proceedings of the court of directors of said asylum held on the 6th September 1852, certifying that George R. C. Price, a lunatic from the county of Hardy, duly committed according to law, was received into said asylum under charge of a guard, who was directed by warrant from the examining justices to be summoned on account of the violence of the lunatic; certifying further that said lunatic has no estate; that his friends have entered into no obligation to pay the expenses of his removal, and that it is properly chargeable to the appropriation for the transportation of pauper lunatics. To interrogatories propounded to Dr. Stribling, he answered, upon oath, that the said George R. C. Price is an inmate of the said asylum; that he was admitted by an examining board of directors on the 6th of September 1852; that his condition of mind had been previously enquired into by three justices of the peace of Hardy county, who certified that they believed him insane, and furnished the testimony, taken under oath and in writing, upon which this belief was founded, which testimony has been submitted to your committee; that his physical health has been good for the most part during his residence in the asylum, and that he is now probably as well, physically, as he has been for some years; that his mind is in some respects much disordered; that he is not a monomaniac, because his delusions are not confined to one subject; nor does he labor under general derangement of his intellectual faculties, inasmuch as upon many subjects he is not only rational but intelligent; that his malady may be properly styled "partial insanity," consisting chiefly in a morbid suspiciousness as to and misconstruction of the conduct and motives of others, and without sufficient cause, considering those his worst enemies many of whom are doubtless his warmest and best friends; that, without entering into details, he considers his malady one of a serious nature, and that it is more than probable it will continue to resist obstinately the effects of remedies, if, indeed, it does not eventually prove

incurable. With this testimony before them, your committee did not deem it necessary to examine further into the subject.

In a representative government, it is of the utmost importance that the person selected by the people, and to whom their power is confided, should be guaranteed the rights which pertain to his office; but it is also essential that when that person becomes incapacitated by a mental affliction that deprives him of the ability to represent them, and equally deprives them of his services, and when for public security and safety it has become necessary to restrain and confine him, that authority should exist to secure to the people the representation which the constitution intended they should have. Your committee are of opinion that the house have the right under the constitution to examine into the disqualification and permanent disability of its members, and as the exercise of the power is intended for the benefit of the constituent body, that right ought to be asserted and the power exercised. They are fortified in this belief by a reference to parliamentary history and precedents, for they have found upon examination several cases of the removal of members for insanity which were believed to be permanent and incurable.

With such evidence, and for these reasons, your committee submit the following resolutions:

*Resolved as the opinion of this committee,* That George R. C. Price, the delegate returned to represent the county of Hardy, has been duly committed as a lunatic to the Western lunatic asylum at Staunton, and is now properly confined therein, and that the nature of his malady is such as to render it improbable that he will be restored to his sound mind, and improper that he should again take his seat in this house during his term of service, and that his seat should be declared vacant on account of such disability.

*Resolved,* That a writ of election do issue to the sheriff of the county of Hardy, to supply the vacancy thus occasioned, and that the election shall take place on the        day of the present month.



[DOC. No. XXXI.]

# RESOLUTIONS

OF THE

# STATE OF CONNECTICUT

RELATIVE TO THE

# COMPROMISE MEASURES.

1852.



EXECUTIVE DEPARTMENT,  
DECEMBER 8th, 1852.

*To the General Assembly of Virginia.*

GENTLEMEN,

I have the honor to present herewith a series of resolutions adopted by the general assembly of the state of Connecticut at its session in May last, and which were transmitted to me by the governor of that state during the late recess of your body.

These resolutions breathe a spirit of respect for the constitution of the United States, and the laws passed in pursuance thereof, which reflects credit upon their authors, and entitles them to our respectful attention.

Very respectfully,

Your ob't serv't,

JOS. JOHNSON.



STATE OF CONNECTICUT,  
EXECUTIVE DEPARTMENT,  
July 30th, 1852.

SIR,

I have the honor to transmit to you the accompanying resolutions,  
adopted by the general assembly of this state at its session in May last.

I am, sir,

With great respect,

Your obedient servant,

THO. H. SEYMOUR.

*His Excellency the Governor of Virginia.*



## RESOLUTIONS.

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STATE OF CONNECTICUT,

GENERAL ASSEMBLY,

*May Session 1852.*

*Resolved by this assembly,* That the union of the United States, and the constitution by authority of which the federal government is administered, were results of a spirit of compromise and mutual concession among the conflicting interests and sentiments of the people of different sections of the country, and that it is the duty of every good citizen now to exercise the same spirit of compromise and concession in cases of sectional differences of interest or opinion for the purpose of preserving for themselves and their posterity the blessings resulting from that union and government in the perpetuity of which are involved not only the future welfare and prosperity of the people of this country, but also in a great degree the progress of the cause of civil and religious liberty and free government throughout the world.

*Resolved,* That in a government like this, in which all political power emanates from the people, by whom all rulers and legislators are appointed, and to whom they are responsible, it is peculiarly the duty of all citizens to yield cheerful obedience to all laws regularly enacted by their representatives until such laws shall have been legally adjudged by the proper tribunal to be unconstitutional.

*Resolved,* That the series of measures denominated the Compromise Measures, adopted by the last congress, disposing finally and peacefully of a variety of questions which had previously disturbed the country, embarrassed the government and the national legislature, and seriously threatened the existence of the Union, were wisely adapted to the fair adjustment of the vexed questions at issue, and constituted a fair and equitable compromise of the whole subject, and that said series of measures, as such compromise, meet the full approbation of this assembly.

*Resolved,* That the act termed the "Fugitive Slave Law" is, in the judgment of this assembly, in accordance with the provisions of the constitution, containing merely provisions in detail necessary to carry into effect the provisions of that instrument, and that it is the duty of all good citizens to sustain the execution of said act by all proper and lawful means.

*Resolved*, That his excellency the governor be requested to transmit a copy of these resolutions to the president of the United States, to the governor of each of the several states of the Union, and to each of our senators and representatives in congress.

*Senate*, June 23d, 1852.—Passed.

L. B. BRADLEY, *Clerk*.

*House of Representatives*, June 28th, 1852.—Concurred

G. W. SAYLES, *Ass't Clk*.

OFFICE OF SECRETARY OF STATE,  
*Hartford*, July 24, 1852.

I hereby certify that the above is a true copy of the original resolutions on file in this office.

JNO. P. C. MATHER, *Sec'y of State*.



[DOC. No. XXXII.]

**COMMUNICATION**

**RELATIVE TO THE**

**SALE OF LOT IN PETERSBURG.**

**1852.**



## COMMUNICATION.

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EXECUTIVE DEPARTMENT,  
DECEMBER 11, 1852.

*To the General Assembly of Virginia.*

GENTLEMEN,

The act of 20th March 1841 authorized the executive to sell or lease the "public lot in the town of Petersburg, on which the warehouse is erected, and the weights, scale and fixtures thereto attached."

Under this authority the Hon. John F. May was authorized, as the agent of the state, to *lease* said property, and has done so from time to time. He now informs me "it is rented till the next year at \$250," but that in consequence of the inconvenience of its location for the purposes for which it was designed, and the heavy repairs which it now needs, he recommends that the property be sold.

If in this opinion he is correct, I beg leave to suggest that, in my opinion, the *conditions* and *restrictions* contained in the act of 1841, might seriously affect the *price* of the property, without perhaps benefitting any interest whatever. If, therefore, it shall be deemed desirable to sell this property, I would respectfully advise that the sale thereof be relieved of all such restrictions or conditions as might hereafter trammel or in any way affect the right of the purchaser to use or dispose of the property as he might desire.

Very respectfully, &c.

JOS. JOHNSON.



[ DOC. No. XXXIII.]

COMMUNICATION

OF

THE PRESIDENT

OF THE

JAMES RIVER AND KANAWHA COMPANY.

---

CALLED FOR BY RESOLUTION OF HOUSE OF DELEGATES.

---

1852.



## COMMUNICATION.

OFFICE JAMES RIVER &amp; KANAWHA Co.

Richmond, December 13, 1852.

OSCAR M. CRUTCHFIELD, Esq.

*Speaker of the House of Delegates.*

SIR,

In compliance with the request contained in the resolution adopted by the house of delegates on the 7th inst., I have the honor to submit the following communication:

1. In answer to the first enquiry contained in the said resolution, I submit a statement marked A, which shows the sums of money arising from the bonds of the state loaned to the company, and from the bonds of the company guaranteed by the state under the several acts of the general assembly referred to, and the purposes to which they have been respectively applied.

By law the moneys of the company, arising from its annual receipts as well as from loans made by the state, are deposited in the Bank of Virginia to the credit of the company, and while distinct accounts have been kept on the books of the company, showing the amount intended for each particular work and section of work, no such special account has ever been kept at bank. Hence money intended for a particular object has been frequently applied to the payment of the legal obligations of the company arising out of its contracts for construction of work on other sections, and refunded from the income and other means of the company. The statements which have accompanied the annual reports to the stockholders, and which were annually communicated to the legislature through the Board of public works, will exhibit the precise condition of each of the repeated instances of this course of proceeding.

The acts of the general assembly of March 9th and of March 12, 1849, required the company to construct the Rivanna and Southside connections, and the Tidewater connection—and to raise means, authorized the state's guarantee of

the company's bonds for the aggregate amount of five hundred thousand dollars : the proceeds of the bonds proving inadequate to the object, a portion of the money in bank intended for the Tidewater connection was applied to the payment of contractors' estimates for the other connections, to be refunded from the general income of the company.

By the acts of March 1, 1847, and January 25, 1850, the company was required to complete the second division, and a debt contracted by loans of state bonds, the proceeds of which, though at the time deemed sufficient, proved inadequate, and a portion of the money arising from the sale of bonds guaranteed by the state under the act of March 15, 1850, which were intended for the third division, was applied to the completion of the second division, so that it might be opened to navigation and yield revenue. The loan so made from one of the company's heads of appropriation to another, will be refunded from the income of the company and from bills payable to the company.

I respectfully refer the house of delegates to the annual statement of accounts, which have been regularly examined and communicated to the stockholders and the legislature, for more detailed information.

2. The series of locks now constructed, or in process of construction, which will connect the basin at Richmond with James river at Rocketts, consist of No. 1, a single lock near the basin, Nos. 2 and 3, and Nos. 4 and 5, combined locks, and the ship-lock at Rocketts. Nos. 1, 2, 3, 4 and 5 measure each 100 feet from hollow quoin to hollow quoin. The ship-lock is to measure 200 feet. Nos. 1, 2, 4 and 5 have each the entire length of available chamber, less the gates, which open and close within the chamber, and require a space of 7 feet 8 inches. Lock No. 3 has not, if the gates shall be constructed in the same form as the others, the same amount of available chamber. It is the lower of the first set of combined locks—the lift is 13 feet, and hence the floor of No. 3 is 13 feet lower than that of No. 2. To obviate the inconvenience of gates at the head of this lower lock, 35 feet high, the breast wall was run up to the floor of the upper lock, and the mitre sill placed on it, thus occupying about five feet of the available space of the chamber. I communicate herewith, marked B, a report of the chief engineer, with the accompanying papers, which will explain why this mode of construction was adopted. The locks on the division of the canal from Richmond to Lynchburg, are constructed with the mitre sill above the floor of the lock. This gives an elevation above the floor of from ten to thirteen inches, and hence boats so heavily loaded as to sink them in the water below the top of the mitre sill, cannot pass, if from their length they shall project over the mitre sill. The lock No. 3 can pass a boat with as large burthen as the old locks between Richmond and Lynchburg, but it could not pass some three or four of the boats on



the canal, if the gates at its outlet occupy the same space of the chamber of the lock as was intended—nor could these boats pass the locks between Richmond and Lynchburg, if fully loaded. These gates are not yet constructed.

It is the intention of the company to have the available chamber of lock No. 3, on the Tidewater connection, made equal with that of the other locks of that work. On the 13th of August last, a resolution was adopted by the board of directors to cause this to be done, a copy of which I annex, (marked C.) It can readily be effected. The mode which will probably be adopted, will be to construct the outlet gates with less angle or mitre, and to reduce the breast wall in the angle of the mitre sill at the head of the lock, which I have reason to believe will not cost five hundred dollars, and will not impair the security or efficiency of the lock.

3. I annex a statement showing the aggregate expense to be incurred in works now under contract, and the dates of the contracts respectively, (marked D.)

To prevent misunderstanding, I deem it proper to remark that the ship-lock is in process of construction on company account, the contract having been abandoned; and a stone dam, in like manner, is being constructed at Maidens Adventure pond, to take the place of the wooden dam, which is worn out and not worth repair.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JOHN Y. MASON,

*Pres't J. R. & K. Co.*



## A.

OFFICE J. R. AND K. Co.  
Richmond, December 8, 1852.

SIR,

The amount of state bonds loaned for the construction of the canal from Lynchburg to Buchanan is as follows:

Under the act of March 1st, 1847,	-	-	-	1,236,000 00
" Jan'y 25th, 1850,	-	-	-	110,000 00
Total,	-	-	-	1,346,000 00
The disbursements for the above work to the 7th Dec. 1852, are	-	-	-	1,633,469 54
Excess of disbursements over the amount of bonds loaned,	-	-	-	<u>\$ 287,469 54</u>

Of this excess of disbursements over receipts there has been borrowed from the appropriation for the third division, - - - 296,830 50

The amount of the company's bonds guaranteed by the state for the construction of the canal from Buchanan to Covington, under the act of 15th March 1850, is - - - 360,000 00

Amount expended on the third division, - - - \$ 73,169 50

The amount of the company's bonds guaranteed by the state for the construction of the Southside and Rivanna connections by act of March 12th, 1849, is - - - 150,000 00

The disbursements for the same, are - - - 246,084 39

The excess of disbursements over receipts, - - - \$ 96,084 39

Of this excess of disbursements over receipts there has been borrowed from the appropriation for the Tidewater connection, - - - 52,618 22

The amount of the company's bonds guaranteed by the state for the construction of the Tidewater connection, under the act of March 9, 1849, is 350,000 00

Amount expended on the Tidewater connection, - - - \$ 297,381 78

The balance of the amount necessary to supply the deficiencies in the loans for the second division and for the Southside and Rivanna connections, has been paid out of the general revenue of the company.

Yours, very respectfully,

WM. P. MUNFORD, Sec'y.

JOHN Y. MASON, Esq.

Pres't J. R. and K. Company.



## B.

RICHMOND, October 27th, 1852.

Sir,

In the report of the committee raised under the resolution of Mr. Pendleton, passed by the stockholders at their called meeting on the 9th of February, some statements are made, calculated in my opinion to injure me professionally, which I could readily have explained to the committee, had an opportunity been afforded me. But as I was not invited by the committee to appear before them or make an explanation, I respectfully request that I may now be permitted to introduce testimony before you, to whom the report of the committee has been referred, upon such points in that report as are calculated to cast censure on me.

Yours, very respectfully,

WALTER GWYNN.

G. N. JOHNSON, Esq. *Chairman*  
*Committee of the Stockholders.*

WHITE SULPHUR SPRINGS,  
 August 26, 1851.

Sir,

I herewith lay before you a letter from myself to Mr. Gill, and two from Mr. Gill, in relation to an error committed in the length of the chambers of lock No. 3, Tidewater connection. In Mr. Gill's letter of the 29th July, he states that he informed me of his intention to make a semi-circular channel in the breast wall. I have no recollection of any intimation whatever having been made to me of the error, nor of his expedient for correcting it. Had I been informed of the error, I should have taken steps to remedy it; and if in the mode indicated by Mr. Gill, would have caused that portion of the breast wall not built, to be completed in accordance therewith, and thus have avoided the expense of cutting a channel, as now proposed by Mr. Gill, which I very much fear will not fully answer his expectation.

Yours, very respectfully,

WALTER GWYNN,  
*Chief Engineer J. R. & K. Co.*

J. Y. MASON, Esq. *Pres't*  
*J. R. & K. Company.*

RICHMOND, July 30, 1851.

DEAR SIR,

I learn with great concern, that an error has been committed in the length of the chamber of lock No. 3 of the Tidewater connection. Mr. Barney reports that it is only 94.75 feet between the breast wall and the gate. I wish you would examine into the matter without delay, and make a full report on the subject, addressed to me at the White Sulphur springs, Greenbrier county.

Yours, very respectfully,

WALTER GWYNN,  
*Chief Engineer J. R. & K. Co.*

E. H. GILL, Esq.  
*Prim. Asst. Eng. T. W. C.*

RICHMOND, July 29th, 1851.

DEAR SIR,

From what Mr. Barney tells me, I fear he has alarmed you unnecessarily relative to the length (between the gates) of lock No. 3. The length between the gates is 100 feet, but the breast is about four feet below the apex of the middle gates, leaving room for a boat of 91 feet to pass through the locks. 90 feet was the length of the boats formerly constructed on the canal, and I was not aware until last May that they exceeded that length. I then overheard a conversation between some boatmen, in which it was stated that the builders were increasing the length and width of the boats, which caused me to measure a number of the new boats, all of which (except the Caroline, which measured 91½ feet,) were less than 90 feet. The Caroline, I was informed, was the longest boat on the canal, and in order to pass her through the lock it might be necessary to cut a channel in the centre of the breast about six inches deep for her stern to rest in. This channel I proposed to make in the form of a semi-circle and cover it with a cast iron plate, and informed you of the fact at the time.

Mr. Barney informs me that he has found one boat 93 feet long, which will make it necessary to enlarge the semi-circle to two feet radius, and it may be enlarged to three feet without injury to the breast, and protected with a cast iron plate to prevent the sterns of the boats from injuring the joints of the stones, for about \$60.

Any of the boats can pass down without the alteration. The only difficulty is in passing up, which is easily removed in the manner proposed.

Mr. Hutchings is getting on pretty well with the lock-pits; the hands work day and night. McGrann & Co. are improving, and will probably have the required force on by the 1st of August. Lauman's force still continues small, and a large portion of his men at the quarries is sick.

Everything has been satisfactorily arranged with Mr. Laird and "the governor."

In haste, very respectfully,

Your obedient servant,

E. H. GILL.

COL. WALTER GWYNN,  
*Chief Engineer.*

Please let me hear from you relative to the enclosed letter of Mr. Erckbaum.

RICHMOND, August 4, 1851.

DEAR SIR,

Yours of the 30th ult. has just been received. I wrote to you last Tuesday relative to the length of lock No. 3. I have examined it again since then, and am confident that the longest boat now on the canal can pass through it without any difficulty by cutting a semi-circular piece of two feet radius out of the breast, which will not cost over \$60—and will not injure the breast, as it is 11 feet thick.

In order to test the matter fully, I made a large plan of the lock and tried it with a model of the largest boat on the canal.

The contractors are increasing their forces and appear to be exerting themselves to obtain the required force, and as there is reason to believe they will accomplish that object by next week, I have recommended to the president that a further indulgence of ten days should be allowed them.

Mr. Hutchins keeps a day and night force at the lock-pits, and is progressing pretty well.

Respectfully yours, &amp;c. &amp;c.

E. H. GILL.

COL. WALTER GWYNN,

*Chief Engineer J. R. & K. Co.*

RICHMOND, September 30, 1851.

DEAR SIR,

In your letter of the 30th ult. you ask "how the error in the length of lock No. 3 occurred. Was it accidental or intentional; was it reduced below the standard length of 100 feet, under the supposition that it would accommodate the boats navigating the canal?" &c.

The lock is 100 feet in length between the hollow quoins, but as the combined lifts of the two locks would require the middle gates to be 35 feet if they rested on the floor of lock No. 3, the old plan of placing the mitre sill and the gates upon the breast wall was adopted, and no allowance made in the length of the lock to compensate for the space occupied by the breast wall below the apex of the mitre sill.

As it is customary in constructing combined locks with heavy lifts to adopt this method without increasing their length, and as it was done on the Schuylkill canal in Pennsylvania, and on the Sandy and Beaver canal in Ohio, and having in 1847 or 1848 measured most of the boats then on the canal with reference to this object, and finding none of them to exceed 90 feet in length, I saw no objection to its adoption here. Moreover, in the present locks between Richmond and Lynchburg, the upper mitre sills are laid upon a breast of timber, causing the upper surface of the mitre sills to be 1 foot and 4 inches above the level of canal bottom, which would prevent any of the very long boats from passing through the locks when heavily laden, or drawing over 3 feet 8 inches water.

I have recently caused a measurement to be made of the boats now on the canal, and find that out of 48 there are 4\* that will not be able to pass through the lock as it now is, and that in order to admit all it will be necessary to cut a semi-circle out of the breast with a versed sine or radius of  $2\frac{1}{2}$  feet, and protect the masonry after it is cut out with a cast iron plate.

Respectfully yours, &amp;c. &amp;c.

E. H. GILL.

COL. WALTER GWYNN,

*Chief Engineer J. R. & K. Co.*

\* These are—The Florida, 33 feet 3 inches long.  
 " W. B. Preston, 32 " 2 "  
 " J. M. Saunders, 32 " 3 "  
 " Boston, 31 " 10 "





**C.**

At a meeting of the president and directors of the James river and Kanawha company, held on the 13th August 1852, the following resolution was adopted :

*Resolved*, That the chief engineer cause such alterations to be made in lock No. 3 on the Tidewater connection, as will give an equal capacity with the adjoining lock No. 2, making due allowance for the breast wall.

Extract from the records.

WM. P. MUNFORD, *Sec'y.*



## D.

OFFICE OF THE J. R. & K. Co.  
Richmond, Dec. 8, 1852.

SIR,

The aggregate expense to be incurred on the works of the company now under contract, and the dates of the contracts, are as follows, viz :

J. Leslie's contract for basin, dated October 25, 1852,	-	-	11,000
S. Ford's " Cartersville dam, dated July 25, 1850,	-	-	1,500
Do. " superstructure New Canton bridge, dated Jan'y 1, 1850,			4,000
Do. " " Hardwickville bridge, " "			3,700
A. J. Fort's " section No. 8 on 3d division, dated Feb. 9, 1852,	-	-	50,000
Do. " lock No. 6, dated Feb. 9, 1852,	-	-	13,000
Do. " " 7, " " "	-	-	13,000
J. H. Shultz's " " 3, " Sept. 1st, 1852,	-	-	10,000
Do. " " 2, " " "	-	-	5,000
Total,	-	-	<u>\$ 111,200</u>

Yours, very respectfully,

W. P. MUNFORD, Sec'y.

JOHN Y. MASON, Esq.  
Pres't J. R. & K. Co.



[DOC. No. XXXIV.]

PETITION

OF

CERTAIN CITIZENS OF YORK COUNTY,

FOR A

RAILROAD FROM RICHMOND TO YORKTOWN

1852.



## PETITION.

*To the Senate and House of Delegates of Virginia,  
in General Assembly convened.*

The undersigned, appointed by the railroad convention held at Yorktown on Monday, the 15th day of November, A. D., 1852, a committee to petition the general assembly of Virginia to incorporate a company to construct a railroad from the city of Richmond to Yorktown, respectfully represent :

That in the year 1832 a charter was granted by the legislature, authorizing the company created by it to construct a railroad from Richmond to Yorktown; that the proposed route was surveyed by authority of the state, and the distance ascertained to be less than sixty miles; that the ridge of land dividing the waters of the York and James rivers ran in an easterly direction, and almost at a mean distance from them, until it approached Yorktown, at which place it terminated; that, consequently, the cost of grading a railroad from Richmond to Yorktown would be merely nominal; and it is believed that the estimate for the road was only six thousand dollars per mile, making the aggregate cost of the railroad less than three hundred and sixty thousand dollars.

The undersigned respectfully call the attention of the general assembly to the fact, that when this survey was made, improvement by railroad was just beginning to be introduced, and before the funds necessary for the construction of this railroad could be raised the time limited by the charter expired.

The friends of this improvement have never, however, despaired; they have been sanguine of its final success when other sections of the state became interested in its construction to complete the great lines in progress. Recent events have satisfied them that an effort should now be made, and that the legislature will not disregard their appeal. A desire pervades the whole commonwealth to free ourselves from the commercial shackles which each succeeding year is

binding more firmly; and we can easily do it, if the general assembly will open for us a direct route with Europe.

To the consideration of this question we wish to call their attention, and point out very briefly the importance of a railroad from Richmond to Yorktown in accomplishing this end so generally desired by our citizens.

The production of the state will be concentrated by means of the canal, the Richmond and Danville, the Tennessee and Central railroads, in the city of Richmond. The shortest, safest and cheapest route for this trade is through Yorktown. By railroad to Yorktown, the distance is less than sixty miles—thence to the Capes of Virginia about forty miles.

The average speed of the English rail cars is forty miles per hour; and over the level country from Richmond to Yorktown a speed equally as great could be attained; but assuming it to be thirty, in two hours the cars from Richmond to Yorktown would be at the depot, and excluding the time of loading the ships, five hours would only be required to place the produce centering in Richmond on the ocean.

But we desire to induce across the state of Virginia the trade of the Southern and Western states. From the center of the Valley of the Mississippi to the Capes of Virginia, the distance is hundreds of miles shorter than either the route by New York or New Orleans: safer, because the mild climate of Virginia, free from the snows of the North and the intense heat of the South, would enable produce to be transported at all seasons of the year.

Possessing the shortest, safest and cheapest route, we would become the carriers of this immense trade; and we need not stop to urge upon the general assembly the benefits it would confer upon the state at large.

But throwing these considerations out of view, surely this work ought to be constructed if it will afford an outlet for the trade even of Virginia. That this will be its sure operation we cannot for a moment doubt. A direct trade will be established between Richmond and Europe, and Virginia, freed from the annual tax of five millions of dollars which she now pays the North, will spring forward in a new career, and successfully compete with the Northern states for commercial greatness.

It is mortifying to every Virginian to see the commonwealth at every decade shorn of a portion of her political strength and gradually yielding her position in



our confederacy. But the fact is easily explained when we compare her commercial facilities with those of other states, and the immense tax she annually pays them.

Give us a direct trade—a new path will be opened to Virginia enterprise, and we will soon recover our former wealth and power.

Your petitioners respectfully request the general assembly to incorporate a company to construct a railroad from Richmond to Yorktown—with a capital of \$ 500,000—the state subscribing three-fifths thereof, when the residue (\$ 200,000) shall be raised by private subscription.

And your petitioners will ever pray, &c.

A. C. GARRETT,  
PEYTON A. SOUTHALL,  
RO. ANDERSON,  
FRED. W. POWER,  
WM. E. WYNNE.







[DOC. No. XXXV.]

GOVERNOR'S COMMUNICATION

RELATIVE TO THE

RELEASE, BY A JUDGE OF NEW YORK,

OF THE

SLAVES OF JONATHAN LEMMON

VIRGINIA.

1852.



EXECUTIVE DEPARTMENT,  
DECEMBER 17, 1852.

To the General Assembly of Virginia.

GENTLEMEN,

In a late communication I had the honor to address to your body, I alluded to the recent decision of a judge in the state of New York, by which Jonathan Lemmon, a citizen of Virginia, had been deprived of his slaves. I stated that steps had been taken to procure an official copy of the record, and that when received I would communicate it for such action as your wisdom may dictate.

I have recently received that record, and herewith submit it for your consideration.

It will be seen that Lemmon and his wife, with eight slaves belonging to her, were emigrating from Virginia to Texas. On their passage they passed through the port of New York, and were there compelled by necessity to land with their slaves, without remaining or intending to remain longer than necessary, and with no intention at any time of bringing their slaves into that state to remain or reside, or for any purpose whatever, except in passing from Virginia to Texas. Being so in transit or on their passage, a writ of *habeas corpus* was applied for by a third person, and issued by one of the judges of New York, by which they were compelled to bring their slaves before him; and he, on the facts above stated, declared the slaves free and set them at liberty.

The record contains the judge's opinion at length, in which I see nothing to change the opinion I heretofore expressed upon this subject. It will not be expected that I should enter into a legal investigation of his reasoning and conclusions, nor is it necessary in order to secure for it from your body that enlightened consideration which its importance demands. It is in conflict with the opinions and decisions of other distinguished jurists, without, I believe, a single precedent to sustain it. In importance, it is of the first magnitude, and in spirit, it is without its parallel. If sustained, it will not only destroy that comity which should ever subsist between the several states composing this confederacy, but must seriously affect the value of slave property wherever found in the same.

I have also received and herewith submit a communication from Henry D. La-paugh, Esq. of the city of New York, from which you will perceive that the proceedings which took place before Judge Paine have been removed by *certiorari* into the supreme court of the state, to be by the court reviewed.

But I am informed that by the voluntary contributions of a portion of the good people of that city, Lemmon and his wife have been fully reimbursed the value of their slaves, and have stipulated that in case Judge Paine's decision is reversed, the slaves shall have their freedom. This withdraws from those immediately concerned all personal interest in the further prosecution of the appeal. But it by no means diminishes the extent to which the decision affects the rights and interests of our citizens at large. I deem the subject of sufficient public importance to require and receive the attention of the government of this commonwealth, and

recommend that for the present provision shall be made by the general assembly for the efficient prosecution of the appeal already taken, and of such other judicial proceedings as may be found necessary and proper for a satisfactory adjudication of the important questions involved in this case.

I cannot believe that even by the supreme court of the state of New York a decision will be sustained that is so contrary to the spirit of all law, so opposed to the established principles which regulate intercourse even between *foreign* nations, so much at war with the relations which should subsist between the sister states of this Union, and, as I think, with the spirit if not the letter of the constitution itself.

But if in this I am mistaken, if the statute of New York has been rightfully expounded by the learned judge, and is not in conflict with the constitution of the United States, it is proper that Virginia should know it. The same sovereign power by which New York enacts her laws and gives them force within her limits, pertains to Virginia within hers; and to them she will then have to look for redress.

Very respectfully,

JOSEPH JOHNSON.



49 WALL STREET,  
New York, December 4th, 1852.

HON. JOSEPH JOHNSON,  
*Governor of Virginia.*

DEAR SIR,

Geo. H. E. Lynch, Esq. of this city having called on me for the purpose, I furnished him with the papers and information necessary to enable him to comply with the letter written to him under your official direction, requesting a certified copy of the record and proceedings in the case of Mr. Lemmon's slaves recently discharged by Mr. Justice Paine of the superior court of this city.

Keenly alive, as I am aware you must be, to whatever affects the interest of your state, or the rights of its citizens, I have thought proper, under the circumstances, likewise to inform you that I have caused all the proceedings in the case named to be removed by certiorari in the supreme court of our state, in order that the decision of Mr. Justice Paine may be reviewed by the learned judges composing that tribunal.

I am your excellency's ob't serv't,

HENRY D. LAPAUGH.



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The people of the state of New York, to Lemon, having in charge eight colored persons lately taken from steamer "City of Richmond," and the man at whose house in Carlisle street, New York, they are confined, and to the agent of said Lemon, whose name is unknown, and in whose care they were left as such agent, greeting—we command you that you have the bodies of eight colored persons, viz: man, women and children, by you imprisoned and detained as it is said, together with the time and cause of such imprisonment and detention, by whatever name they shall be called or charged, before Elijah Paine, one of the justices of the superior court of the city of New York, forthwith to do and receive what shall then and there be considered concerning them: and have you then there this writ.

Witness, E. Paine, one of the justices of said court, the 6th day of                      one thousand eight hundred and fifty-two.

ROBERT G. CAMPBELL, *Clerk.*

E. D. CULON, *Attorney.*

(Endorsed)

I certify that the within writ has been allowed by me this 6th day of November 1852.

E. PAINE,

*City and County of New York, ss:*

Charles W. King, being sworn, says that he is an elector of the state of New York, and that on the sixth day of November 1852, he delivered to Lemon and his agent named within the original writ of which the within is a copy, in the city aforesaid.

C. W. KING.

Sworn this 6th day of November 1852, before me.

E. PAINE.

## NEW YORK SUPERIOR COURT.

*The People of the State of New York, ex rel. of Louis Napoleon v. Jonathan Lemmon, Respondent.*

Before JUSTICE PAINK.

*Return made to the Habeas Corpus.*

Jonathan Lemmon, respondent above named, for return to the writ of habeas corpus issued herein, states and shows, that the eight slaves or persons named in said writ of habeas corpus are the property and slaves of Juliet Lemmon, the wife of this respondent, for whom they are held and retained by this respondent.

That the said Juliet Lemmon has been the owner of such persons as her slaves for several years last past, she being a resident and citizen of the state of Virginia, a slaveholding state.

That under and by virtue of the constitution and the laws of the state of Virginia, the aforesaid eight persons for several years last past have been and now are held or bound to service or labor as slaves, such service or labor being due by them as such slaves to the said Juliet, under and by virtue of the constitution and laws aforesaid.

That the said Juliet, with her said slaves, persons or property, is now in transitu or transit from the state of Virginia aforesaid to the state of Texas, the ultimate place of destination, and another slaveholding state of the United States of America, and that she was so on her way in transitu or transit and not otherwise at the time when the aforesaid eight persons or slaves were taken from her custody and possession on the 6th day of November instant, and brought before the said superior court of the city of New York, or one of the justices thereof, under the writ of habeas corpus issued therein.

That by the constitution and the laws of the state of Texas aforesaid, the said Juliet is and would be entitled to the said slaves and to the service or labor of the said slaves or persons in like manner as they are guaranteed and secured to her by the constitution and laws of the state of Virginia aforesaid.

That the said Juliet never had any intention of bringing the said slaves or persons into the state of New York to remain or reside therein, and that she did not bring them into said state in any manner or for any purpose whatever except in transitu or transit from the state of Virginia aforesaid through the port or harbor of New York, on board of steamship, for their place of destination, the state of Texas aforesaid.

That the said Juliet, as such owner of the aforesaid slaves or persons, was, at the time they were taken from her as aforesaid on the writ of habeas corpus, and she thereby deprived of the possession of them, passing with them through the said harbor of New York, where she was compelled by necessity to touch or land without on her part remaining or intending to remain longer than necessary. That the said slaves have not been bought up by a negro trader or speculator, and that the allegation to that effect, made in the petition of one Louis Napoleon above named, is entirely untrue. That the said Juliet is not and never was a negro trader, nor was nor is this respondent one.

That the said persons or slaves were inherited or received by said Juliet Lemmon as heir at law, descendant or devisee of William Douglas, late of Bath county, in the state of Virginia aforesaid.

That it is not and never was the intention of the said Juliet to sell the said slaves, as alleged in the petition of the relator, nor to sell them in any manner.

This respondent further answering, denies that the aforesaid eight persons are free, but on the contrary shows that they are slaves as aforesaid, to whom and to whose custody and possession the said Juliet is entitled.

Respondent further shows that the said slaves, sailing from the port of Norfolk, in the said state of Virginia, on board the steamship Richmond City, never touched, landed or came into the harbor or state of New York except for the mere purpose of passage and transit from the state of Virginia aforesaid to the state of Texas aforesaid, and for no other purpose, intention, object or design whatever.

That the said Juliet, with her aforesaid slaves, was compelled by necessity or accident to take passage in the steamship City of Richmond before named, from the aforesaid port of Norfolk and state of Virginia, for the state of Texas aforesaid, the ultimate place of destination. That the said slaves are not confined or restrained of their liberty against their will by the respondent, or the said Juliet, or by any one on her behalf.

HENRY D. LAPAUGH,

*Att'y for Respondent and of Counsel* JONATHAN LEMMON.

Subscribed and sworn before me this 9th day of November 1852.

E. PAINE.

To the return the relator orally interposed a general demurrer.

## NEW YORK SUPERIOR COURT.

*The People of the State of New York ex. rel. of Louis Napoleon v. Jonathan Lemmon, Respondent.*

ELIJAH PAINE, Justice.

This case comes before me upon a writ of habeas corpus, issued to the respondent, requiring him to have the bodies of eight colored persons, lately taken from the steamer City of Richmond, and now confined in a house in this city, before me, together with the cause of their imprisonment and detention.

The respondent has returned to this writ, that said eight colored persons are the property of his wife, Juliet Lemmon, who has been their owner for several years past, she being a resident of Virginia, a slaveholding state, and that by the constitution and laws of that state they have been and still are bound to her service as slaves; that she is now, with her said slaves or property, in transitu from Virginia to Texas, another slaveholding state, and by the constitution and laws of which she would be entitled to said slaves and to their service; that she never had any intention of bringing and did not bring them into this state to remain or reside, but was passing through the harbor of New York on her way from Virginia to Texas, when she was compelled by necessity to touch or land, without intending to remain longer than was necessary, and she insists that said persons are not free, but are slaves as aforesaid, and that she is entitled to their possession and custody.

To this return the relator has put in a general demurrer.

I certainly supposed, when this case was first presented to me, that as there could be no dispute about the facts there would be no delay or difficulty in disposing of it. But, upon the argument, the counsel for the respondent cited several cases which satisfied me that this case could not be decided until those had been carefully examined.

The principle which those cases tend more or less forcibly to sustain is, that if an owner of slaves is merely passing from home with them through a free state into another slave state, without any intention of remaining, the slaves while in such free state will not be allowed to assert their freedom. As that is precisely the state of facts constituting this case, it becomes necessary to enquire whether the doctrine of those cases can be maintained upon general principles, and whether the law of this state does not differ from the laws of those states where the decisions were made.

I shall first consider whether those cases can be sustained upon general principles.

The first case of the kind which occurred was that of Sewall's slaves, which was decided in Indiana in 1829 by Judge Morris, and will be found reported in 3 Am. Jurist, 404. The return to the habeas corpus stated that Sewall resided in Virginia, and owned and held the slaves under the laws of that state; that he was emigrating with them to Missouri, and on his way was passing through Indiana, when he was served with the habeas corpus.

It, however, appeared on the hearing that Sewall was not going to Missouri to reside, but to Illinois, a state whose laws do not allow of slavery. The judge,

for this reason, discharged the slaves. This case, therefore, is not in point, and would be entirely irrelevant to the present, were it not called for by a portion of the judge's opinion which was not called for by the case before him, but applies directly to the case now before me.

"By the law," he says, "of nature and of nations (Vattel, 160) and the necessary and legal consequences resulting from the civil and political relations subsisting between the citizens as well as the states of this federative republic, I have no doubt but the citizen of a slave state has a right to pass, upon business or pleasure, through any of the states, attended by his slaves or servants; and while he retains the character and rights of a citizen of a slave state, his right to retain his slaves would be unquestioned. An escape from the attendance upon the person of his master while on a journey through a free state, should be considered as an escape from the state where the master had a right to citizenship, and by the laws of which the service of the slave was due. The emigrant from one state to another might be considered prospectively as the citizen or resident of the state to which he was removing, and should be protected in the enjoyment of those rights he acquired in the state from which he emigrated, and which are recognized and protected by the laws of the state to which he is going. But this right, I conceive, cannot be derived from any provision of positive law."

The next case relied upon is *Willard v. The People*, (4 Scammon's Rep. 461,) and which was decided in the state of Illinois in 1843. It was an indictment for secreting a woman of color owing service to a resident of Louisiana. The indictment was under the 149th section of the Criminal Code, which provides that, "If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or a servant owing service or labor to any other persons, whether they reside in this state, or in any other state or territory or district, within the limits and under the jurisdiction of the United States, or shall in any wise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person so offending shall be deemed guilty of a misdemeanor, and fined not exceeding five hundred dollars, or imprisoned not exceeding six months."

It appeared that the woman of color was a slave, owned by a resident of Louisiana, and that while passing with her mistress from Kentucky to Louisiana, through the state of Illinois, she made her escape in the latter state, and was sequestered by the defendant.

There were several questions raised in the case, which it is unnecessary to notice. The indictment, which was demurred to, was sustained by the court. The main objection to it was that the section of the Code under which it was found was a violation of the sixth article of the constitution of the state of Illinois, which declares that "neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

The court, in answering this objection, say:—"The only question, therefore, is the right of transit with a slave; for if the slave, upon entering our territory, although for a mere transit to another state, becomes free under the constitution, then the defendant in error is not guilty of concealing such a person as is described in the law and in the indictment. The 149th section of the Criminal Code, for a violation of which the plaintiff is indicted, does most distinctly recognize the ex-



istence of the institution of slavery in some of these United States; and whether the constitution and laws of this state have or have not provided adequate remedies to enforce within its jurisdiction that obligation of service, it has provided by this penal sanction that none shall harbor or conceal a slave within this state who owes such service out of it. Every state or government may or may not, as it chooses, recognize and enforce this law of comity; and to this extent, this state has expressly done so. If we should, therefore, regard ourselves as a distinct and separate nation from our sister states, still, as by the law of nations, (Vattel, b. 2, ch. 10, s. 132, 133, 134,) the citizens of one government have a right of passage through the territory of another, peaceably, for business or pleasure, and that too, without the latter's acquiring any right over the person or property. (Vattel, b. 2, s. 107-109.) We could not deny them this international right without a violation of our duty. Much less could we disregard their constitutional right as citizens of one of the states to all the rights, immunities and privileges of citizens of the several states. It would be startling, indeed, if we should deny our neighbors and kindred that common right of free and safe passage which foreign nations would hardly dare deny. The recognition of this right is no violation of our constitution. It is not an introduction of slavery into this state, as was contended in argument, and the slave does not become free by the constitution of Illinois by coming into the state for the mere purpose of passing through it."

Another case cited by the respondent's counsel was the *Commonwealth v. Aves*, (18 Pickering's Rep. 193.) In this case the owner brought her slave with her from New Orleans to Boston on a visit to her father, with whom she intended to spend five or six months and then return with her slave to New Orleans. The slave being brought up on habeas corpus, the court ordered her discharge. The case was fully argued, and Chief Justice Shaw closes a very elaborate opinion upon the case with these words: "Nor do we give any opinion upon the case where an owner of a slave in one state is bona fide removing to another state where slavery is allowed, and in so doing necessarily passes through a free state, or where by accident or necessity he is compelled to touch or land therein, remaining no longer than necessary."

I have quoted largely from the opinions in these cases, in order that it may be understood clearly what is presented by them as their governing principles. The respondent's counsel insists it is this: That by the law of nations an owner of a slave may, either from necessity or in the absence of all intention to remain, pass with such slave through a state where slavery is not legalized, on his way from one slave state to another, and that during such transit through the free state the slave cannot assert his freedom.

I admit that this is the principle of these cases, and I now propose to consider it. Each case denies that the right of transit can be derived from the provision of the constitution of the United States respecting fugitive slaves, and where an opinion was expressed places the right upon the law of nations.

Writers of the highest authority on the law of nations agree that strangers have a right to pass with their property through the territories of a nation. (Vattel, b. 2, chap. 9, s. 123 to 136. Pufendorf, b. 3, chap. 3, s. 5 to 10.) And this right, which exists by nature between states wholly foreign to each other, undoubtedly exists at least as a natural right between the states which compose our Union.

But we are to look further than this, and to see what the law of nations is when the property which a stranger wishes to take with him is a slave.

The property which the writers on the law of nations speak of is merchandise or inanimate things, and by the law of nature these belong to their owner. But those writers nowhere speak of a right to pass through a foreign country with slaves as property. On the contrary, they all agree that by the law of nature alone no one can have a property in slaves; and they also hold that even where slavery is established by the local law, a man cannot have that full and absolute property in a person which he may in an inanimate thing.—(Pufendorf, b. 6, ch. 3, s. 7.) It can scarcely, therefore, be said, that when writers on the law of nations maintain that strangers have a right to pass through a country with their merchandise or property, they thereby maintain their right to pass with their slaves.

But the property or merchandise, spoken of by writers on the law of nations, which the stranger may take with him, being mere inanimate things, can have no rights, and the rights of the owner are all that can be thought of. It is, therefore, necessary to look still further, and to see what is the state of things by the law of nature as affecting the rights of the slave when an owner finds himself from necessity with his slave in a country where slavery is not legalized or is not upheld by law.

It is generally supposed that the freedom of the soil from slavery is the boast of the common law of England, and that a great truth was brought to light in *Sommersett's case*. This is not so. Lord Mansfield was by no means, so far as the rest of the world is concerned, the pioneer of freedom. Whatever honor there may be in having first asserted that slavery cannot exist by the law of nature, but only by force of local law, that honor among modern nations belongs to France and among systems of jurisprudence to the civil law. The case of *Sommersett* did not occur till the year 1772, and in 1738 a case arose in France in which it was held that a negro slave became free by being brought into France.—(13 *Causes Celebres*, 49.)

But, in truth, the discovery that by nature all men are free, belongs neither to England nor France, but it is as old as ancient Rome; and the law of Rome repeatedly asserts that all men by nature are free, and that slavery can subsist only by the laws of the state.—(Digests, b. 1. T. I. S. 4. B. I. T. 5, s. 4-5.)

The writers on the law of nations uniformly maintain the same principle, viz : That by the law of nature all men are free, and that where slavery is not established and upheld by the law of the state, there can be no slaves.—Grotius, b. 2, ch. 22, s. 11. Hobbes *De Cive*, b. 1, ch. 1, s. 3. Pufendorf, (*Barbeyrac*.) *Droit de la Nature*, b. 3, ch. 2, s. 1-2. B. 6, ch. 3, s. 2.)

The same writers also hold that by the law of nature one race of men is no more subject to be reduced to slavery than other races.—(Pufendorf, b. 3, ch. 2, s. 8.)

When we are considering a master and slave in a free state where slavery is not upheld by law, we must take into view all these principles of the law of nature, and see how far they are respectively to be dealt with according to that law; for it will be remembered that the master can now claim nothing except by virtue of the law of nature. He claims, under that law, a right to pass through the country. That is awarded to him. But he claims, in addition, to take his

slave with him. But upon what ground? That his slave is his property. By the same law, however, under which he himself claims, that cannot be; for the law of nature says that there can be no property in a slave.

We must look still further to see what is to be done with the claims of the slave. There being now no law but the law of nature, the slave must have all his rights under that as well as the master; and it is just as much the slave's right under that to be free as it is the master's to pass through the country. It is very clear, therefore, that the slave has a right to his freedom, and that the master cannot have a right to take him with him.

As the cases cited by the respondent's counsel all rest the master's right of transit exclusively upon the law of nations, and admit that he cannot have it under any other law, I have thus followed out that view, perhaps at unnecessary length, in order to see to what it would lead. In order to prevent any misapprehension as to the identity of the law of nature and the law of nations, I will close my observations upon this part of the case with a citation upon that point from Vattel.—(Preliminaries, s. 6.)

"The law of nations is originally no more than the law of nature applied to nations."

I ought also to notice here that the respondent's counsel, upon the authority of the case in Illinois, insisted that the right of transit with slaves is strengthened by that clause in the constitution of the United States which declares that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." The case in Indiana, on the other hand, says expressly that the right does not depend upon any positive law.

I think this remark must have found its way into the opinion of the judge who decided the Illinois case without due consideration. I have always understood that provision of the constitution to mean (at least so far as this case is concerned) that a citizen who was absent from his own state, and in some other state, was entitled, while there, to all the privileges of the citizens of that state. And I have never heard of any other or different meaning being given to it. It would be absurd to say that while in the sister state he is entitled to all the privileges secured to citizens by the laws of all the several states, or even of his own state; for that would be to confound all territorial limits, and give to the states not only an entire community but a perfect confusion of laws. If I am right in this view of the matter, the clause of the constitution relied upon cannot help the respondent; for if he is entitled while here to those privileges only which the citizens of this state possess, he cannot hold his slaves.

I must also here notice some other similar grounds insisted upon by the respondent's counsel:

He cites Vattel (b. 2, ch. 8, s. 81) to prove that the goods of an individual, as regards other states, are the goods of his state. I have already shown that by the law of nature, about which alone Vattel is always speaking, slaves are not goods; and I may add, that what Vattel says in the passage to which he refers has no connection with the right of transit through a foreign country. Besides, in the case from Illinois, referred to by respondent's counsel, the court distinctly declare (*Willard v. People*, 4 *Scammon's Rep.*, 471,) that they "cannot see the application of this case of the law of nations in relation to the domicile of the owner fixing the condition of and securing the right of property in this slave, and regarding the slave as a part of the wealth of Louisiana, and our obligation of comity to respect and enforce that right."

The respondent's counsel also refers to those provisions of the constitution of the United States which relate to fugitive slaves and to the regulation of commerce among the other states. With regard to the first of these provisions, which the counsel insists recognizes and gives a property in slaves, it is sufficient to say that although the supreme law of the land in respect to fugitive slaves, and as such entitled to unquestioning obedience from all, it is, so far as everything else is concerned, the same as if there were no such provisions in the constitution. This has been so held in cases almost without number, and is held in each of the three cases cited by the respondent's counsel, and upon which I have before commented.

As for the provision of the constitution in relation to commerce among the states, it has been often held that notwithstanding this provision the states have the power impliedly reserved to them, of passing all such laws as may be necessary for the preservation, within the state, of health, order and the well being of society, or laws which are usually called sanative, and police regulations. (*Passenger Cases*, 7 Howard, S. C. R. 283; *License Cases*, 5 Ib., 504; *Blackbird Creek Marsh Company*, 2 Peters, 250; *New York v. Miln*, 11 Peters, 130; *Brown v. State of Maryland*, 12 Wheat. 419; *Groves v. Slaughter*, 15 Peters, 511.) Laws regulating or entirely abolishing slavery, or forbidding the bringing of slaves into a state, belong to this class of laws, and a right to pass those laws is not affected by the constitution of the United States. This view of the subject is taken by the three cases upon which the counsel mainly relies. And even if all this were not so, I apprehend that the constitution, having undertaken to regulate both external and internal commerce in slaves by certain distinct and specific provisions, (viz: those in relation to the importation of slaves from abroad and the return of fugitive slaves,) has thereby taken the element of slavery out of these general provisions in relation to commerce, and having legislated separately upon the subject of slavery to a very limited extent and there stopped, has thereby shown its intention to dispose separately and completely of that subject so far as it was to be disposed of, and has not left to congress any power over it under the general provisions relating to commerce. For under any other view of the subject the provisions in relation to the importation of slaves and to fugitive slaves would be entirely superfluous. If the constitution had intended to give congress power over slavery by the general provision in relation to commerce, that provision is of itself quite sufficient by its letter or terms to enable congress to do all that they are especially empowered to do by the clauses expressly relating to slavery; and as an express power takes away a power which might otherwise be tacitly implied, I think it has clearly done so in this instance.

It remains for me to consider how far the local law of New York affects this case, and distinguishes it from the cases in Indiana and Illinois. To go back first to the right of transit with slaves, as it is claimed to exist by the natural law, it appears to be settled in the law of nations that a right to transit with property not only exists, but that where such right grows out of a necessity, created by the *vis major*, it is a perfect right, and cannot be lawfully refused to a stranger. (*Vattel*, b. 2, ch. 9, s. 123. *Ib.* Preliminaries, s. 17. *Pufendorf*, b. 3, ch. 3, s. 9.) In this case it is insisted that the respondent came here with his slaves from necessity, the return being so stated, and the demurrer admitting that statement. It is perfectly true that the demurrer admits whatever is well pleaded in the return. But if the return intended to state a necessity created by the *vis major*, it has pleaded it badly, for it only alleges a necessity, without saying what kind of

necessity; and as it does not allege a necessity created by the vis major, the demurrer has not admitted any such necessity. Where the right of transit does not spring from the vis major, the same writers agree that it may be lawfully refused. (Ib.)

But however this may be, it is well settled in this country, and so far as I know, has not heretofore been disputed, that a state may rightfully pass laws, if it chooses to do so, forbidding the entrance or bringing of slaves into its territory. This is so held even by each of the three cases upon which the respondent's counsel relies. (*Commonwealth v. Ayres*, 18 Pic. R. 221. *Willard v. The People*, 4 Scammon's Rep. 471. *Case of Sewall's slaves*, 3 Am. Jurist, 404.)

The laws of the state of New York upon this subject appear to me to be entirely free from any uncertainty. In my opinion, they not only do not uphold or legalize a property in slaves within the limits of the state, but they render it impossible that such property should exist within those limits, except in the single instance of fugitives from labor under the constitution of the United States.

The Revised Statutes, (vol. 1, 636, 1st ed.) re-enacting the law of 1817, provide that "no person held as a slave shall be imported, introduced or brought into this state on any pretence whatever, except in the cases hereinafter specified. Every such person shall be free. Every person held as a slave, who hath been introduced or brought into this state contrary to the laws in force at the time, shall be free." S. 1.

The cases excepted by this section are provided for in the six succeeding sections. The second section excepts fugitives under the constitution of the United States; the third, fourth and fifth sections except certain slaves belonging to immigrants, who may continue to be held as apprentices; the seventh section provides, that families coming here to reside temporarily, may bring with them and take away their slaves; and the sixth section contains the following provisions:

"Any person not being an inhabitant of this state, who shall be traveling to or from, or passing through this state, may bring with him any person lawfully held by him in slavery, and may take such person with him from this state, but the person so held in slavery shall not reside or continue in this state more than nine months; and if such residence be continued beyond that time, such person shall be free."

Such was and had always been the law of this state down to the year 1841. The legislature of that year passed an act amending the Revised Statutes in the following words, viz: "The 3d, 4th, 5th, 6th and 7th sections of title 7, chapter 20 of the first part of the Revised Statutes are hereby repealed."

The 6th section of the Revised Statutes, and that alone, contained an exception which would have saved the slaves of the respondent from the operation of the first section. The legislature, by repealing that section and leaving the first in full force, have, as regards the rights of these people and of their master, made them absolutely free; and that not merely by the legal effect of the repealing statute, but by the clear and deliberate intention of the legislature. It is impossible to make this more clear than it is by the mere language and evident objects of the two acts.

It was however insisted on the argument, that the words "imported, introduced or brought into this state" in the 1st section of the Revised Statutes, meant only "introduced or brought" for the purpose of remaining here. So they did, undoubtedly, when the Revised Statutes were passed, for an express exception fol-

lowed in the 6th section, giving that meaning to the 1st. And when the legislature afterwards repealed the 6th section, they entirely removed that meaning, leaving the first section, and intending to leave it, to mean what its own explicit and unreserved and unqualified language imports.

Not thinking myself called upon to treat this case as a casuist or legislator, I have endeavored simply to discharge my duty as a judge, in interpreting and applying the laws as I find them. Did not the law seem to me so clear, I might feel greater regret that I have been obliged to dispose so hastily of a case involving such important consequences.

My judgment is, that the eight colored persons mentioned in the writ be discharged.

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A true copy of all the proceedings had in the superior court in the above case before Mr. Justice Paine.

GEO. H. E. LYNCH,  
*Clerk at special term.*

Fees \$ 50.

[DOC. No. XXXVI.]

PETITION

OF

CITIZENS OF BUCKINGHAM

AND OTHERS,

IN FAVOR OF THE

CIRCULATION OF SMALL NOTES.

1852.





## PETITION.

*To the Legislature of Virginia.*

The undersigned, citizens of the county of Buckingham, and others, respectfully represent, that they are subjected to great inconvenience and loss for the want of change in their business transactions.

The depreciation of gold has caused silver to be worth more than its relative value, and it has become a subject of speculation, being bought and shipped to other countries. This has caused a great scarcity of that metal among us—a sufficiency not being left in the country to supply the wants of the people.

The argument heretofore used, that small notes and silver would not circulate together, and that paper currency would drive off the specie, cannot now be used, as the silver currency, except to a limited extent, no longer remains among us.

The undersigned are aware that a bill is now before congress to depreciate the silver coin; but this they believe will afford only a temporary relief, as the vast quantities of gold procured from California and Australia must continue to depreciate its value, and in a few years a similar act will be necessary, or the same state of things will exist as at present.

The state of Virginia has been flooded with vast quantities of shinplasters, which has resulted in considerable losses to her citizens. This has been caused by the scarcity of silver, which induced them to receive these notes, when, under other circumstances, they would have been refused. Nor is it in the power of the legislature to prevent the circulation of these notes by penal enactments, for they have been tried and failed.

The question is not now, whether it be most politic for Virginia to have a metallic currency, or notes of specie paying banks? but, whether the public shall be permitted to use the notes of the chartered banks of the commonwealth, or be driven to the necessity of using shinplasters in the ordinary affairs of business?

Most of the adjoining states suffer their banks to issue small notes, and this privilege has driven the shinplasters from their limits. Maryland lately passed an act to prevent the circulation of foreign small notes; but as she suffered her banks to issue small notes, her law has been respected by her citizens and the shinplasters driven from her soil. If, however, this privilege had not been granted to her banks, she, like Virginia, would be flooded with a worthless paper currency.

The undersigned, therefore, urge on the legislature the propriety, yea, the necessity of granting to our banks the privilege of issuing notes of a less denomination than five dollars.

All which is respectfully submitted.

Charles E. Davidson,  
Edward R. Grigg, sr.  
James A. Grigg,  
Rufus C. Christian,  
James B. Harris,  
Wm. P. Oliver,  
Richard Allen,  
M. B. Brown,  
Edward Saunders,  
Henry Spencer,  
Benj. Morris,  
S. G. Apperson,  
S. M. Owen,  
J. S. Tompkins,  
Winfree Bradley,  
Charles Patteson,  
Alexander Baird,  
A. Y. Moseley,  
N. B. Staton,  
Cary H. McCraw,  
John F. Claiborne,  
Waller A. Chambers,  
Wm. A. Puryear,  
Ro. P. May,  
Joseph Morgan,  
Nat. Morris,  
Adam P. Hocker,  
Geo. W. Garrett,  
James A. Agee,  
Joshua Smith,  
John A. Garrote,  
James Garrote,  
Seymour S. Reynolds,  
Thomas Eldridge,  
John Jones,

Overton M. Baber,  
John Spencer,  
Spotswood Jones,  
James Davis,  
William D. Flood,  
A. K. Davis,  
Wm. M. Pugh,  
Stephen Garrote,  
W. H. Word,  
J. N. Wilkerson,  
John M. Norvell,  
John R. Meggerson,  
Job Hammontzer,  
Pemberton Dunnivant,  
William Robertson,  
Archer Robertson,  
William M. Charlton,  
John H. Bradley,  
Tho's N. Johnson,  
Wm. B. Couch,  
James S. Gregory,  
William M. Carayle,  
E. G. Bumpas,  
Rich'd L. Patteson,  
Tho's Ferguson,  
John Harvy,  
Spencer Taylor,  
Grandison Moseley,  
John M. Harris,  
Walter L. Hamner,  
John Morris,  
Thomas O. Claiborne,  
Arthur Mosely,  
A. C. Garnett,  
Rob't Moore,

**William J. Dunn,**  
**P. C. Lightfoot,**  
**John Hill,**  
**John Dixon,**  
**B. P. Balloun,**  
**Thomas C. Tapscott,**  
**Wm. M. Moseley,**  
**James Dysart,**  
**Ch's D. McKinny,**  
**Lawson G. Tyler,**  
**Cha's McKinney,**  
**Ro. C. Nicholas,**  
**Ch's L. Christian,**

**Nevil Cobbs,**  
**B. J. Darnielle,**  
**E. G. Hanes,**  
**James S. Dupey,**  
**Anderson Wright,**  
**J. M. Patteson,**  
**T. A. Patteson,**  
**John Stinson,**  
**Ja. H. Fitzgerald,**  
**John Eldridge,**  
**W. W. Forbes,**  
**G. W. Hecker.**







[DOC. No. XXXVII.]

**PETITION**

**OF**

**THE CITIZENS OF RICHMOND**

**FOR**

**A RAILROAD**

**FROM**

**RICHMOND TO YORK RIVER.**

**1852.**





## PETITION.

*To the Honorable the General Assembly of Virginia.*

The undersigned respectfully represent, that they are advised that a bill has passed the senate and is now upon its passage in the house of delegates, for the construction of a railroad from Richmond to some point upon York river; and deeming such a road of great importance to the trade of Virginia, and indeed of the Southern and Southwestern country, when regarded in its connection with the lines of improvement now in progress from the Eastern to the Southern and Western parts of the state, we beg leave to submit to your consideration the accompanying documents upon the subject. They are, as you will perceive, the productions of eminent, experienced and skillful engineers, and leave no doubt of the great importance and productiveness of the work. Those conclusions are so fully demonstrated by these documents, and must indeed be so apparent to every one who will candidly turn his attention to the subject, that we forbear to enlarge upon it, and conclude with an earnest but respectful request that you will pass the bill without delay, and with the usual subscription by the state.

Wm. A. Butters,  
D. H. London,  
Bennett & Beers,  
J. W. Randolph,  
Putney, Watts & Putney,  
James H. Peay,  
Hubbard, Gardner & Carlton,  
John Thompson,  
W. M. Harrison,  
J. Grattan Cabell,  
John Blair,  
John N. Gordon & Son,  
E. P. Townsend,  
Nash & Woodhouse,  
Parker, Bayly & Nimmo,  
Wm. F. Johnston,  
Peyton Johnston,  
James Lyons,  
Warwick & Barksdale,  
Haxall & Brother,  
Deane & Brown,  
Dandridge & Hart,  
C. Hartwell,  
Bernard Peyton,

Th. G. Peyton,  
Corbin Warwick,  
R. R. Duval,  
J. H. Norton,  
James P. Duval,  
John F. Regnault,  
N. H. Ragland, jr.  
J. B. Leach,  
Henry Karr,  
S. Sutherland,  
S. Bonavita,  
D. N. Jones,  
Norborne Norton,  
John D. Webster,  
Stebbins, Darracott & Co.  
Wm. F. Ritchie,  
J. Mildeberger Smith,  
Ira Tichenor,  
R. M. Zimmerman,  
T. L. McKinney,  
John Fisher,  
Dan'l Ward,  
Adie & Gray,  
A. Morris.



[DOC. No. XXXVIII.]

**PREAMBLE AND RESOLUTIONS**

[CONCERNING THE

**DISTRIBUTION OF THE PROCEEDS**

**OF THE**

**PUBLIC LANDS.**

**1852.**



## PREAMBLE AND RESOLUTIONS.

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Whereas the prosperity of Virginia, in all the commercial, agricultural and industrial pursuits, depends mainly upon the successful prosecution and speedy completion of an enlarged and liberal system of internal improvement, and upon the intelligence of her people, and as it is the duty of the legislature to facilitate the prosecution and completion of works tending to develop the resources of the state, and to extend to the poor better opportunities for the acquisition of knowledge than they have heretofore enjoyed, with as little actual cost to the people as possible; and whereas it has become evident, from the recent action of congress, that the proceeds of the public domain will be diverted from the treasury of the United States, and applied to the exclusive benefit of a portion of the states, unless such proceeds be distributed ratably among all the members of the federal Union, according to their respective rights :

1. Be it therefore resolved by the general assembly, that our senators in congress be instructed, and the representatives from this state requested, to use every proper effort to secure to Virginia her equal distributive share of the public lands, or the proceeds thereof, as a means of building up and sustaining her system of internal improvement, and of educating her people.

2. That the governor of the commonwealth be requested to transmit to each of the senators and representatives in congress from this state, a copy of the foregoing preamble and resolution.



[DOC. No. XXXIX.]

# STATEMENT

BY THE

SECRETARY OF THE BOARD OF PUBLIC WORKS

●  
RELATIVE TO THE

JAMES RIVER AND KANAWHA CO.

1852.





OFFICE BOARD OF PUBLIC WORKS,  
RICHMOND, 23d December 1852.

*To the Speaker of the  
House of Delegates of Va.*

SIR,

I have been directed by the Board of public works to transmit to you the accompanying statement in response to a resolution adopted by the house of delegates on the 6th inst., and to request that you will submit the same to that body.

Very respectfully,

Your ob't serv't,

W. R. DRINKARD,  
*Sec'y B. P. W.*



## RESOLUTION

*Adopted by the House of Delegates December 6th, 1852.*

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*Resolved*, That the Board of public works be requested to communicate to this house the amount of stock subscribed for and owned by the state in the James river and Kanawha company, the periods at which the subscriptions for the same were made, and the aggregate amount of interest paid thereon up to this time; and, if any, what amount has been received by the state on account of said subscriptions, in the forms of dividends or otherwise; the amount of the stock of said company held by others than the commonwealth; the present market value per share of the stock of said company; the amount of loans, either of bonds or money, made by the state to said company; the amount of bonds of said company which have been guaranteed by the state; and the character of the securities taken to indemnify the state against loss on account of said loans and guaranteed bonds, and also the times at which said loans and bonds will be due and payable. And that said board furnish, in connection with said information, copies of any deeds of trust, mortgages or other securities which may have been executed by said company or individuals to secure the state against loss, either on account of the interest or principal of said liabilities; and also report what amount, if any, the state has been called on to pay, either of interest or principal, in consequence of said loans and guaranteed bonds, contrary to the stipulations made between the state and said company at the time said loans were made and said guarantees executed.



## STATEMENT.

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In response to the questions propounded in the foregoing resolution, adopted by the house of delegates on the 6th inst., the Board of public works beg leave respectfully to state :

1. That "the amount of stock subscribed for and owned by the state in the James river and Kanawha company" is \$3,000,000, one million of which was paid for, in accordance with the act of March 16th, 1832, by a transfer of the whole interest of the state in the works and property of the old James river company, which interest amounted to \$1,324,500.

2. The following are "the periods at which the subscriptions for the same were made," and the amounts paid at those periods, respectively :

June 19, 1837, paid	-	-	780,000
Feb. 23, 1838, "	-	-	150,000
May 25, 1838, "	-	-	300,000
July 20, 1838, "	-	-	47,000
Aug. 6, 1838, "	-	-	40,000
Aug. 31, 1838, "	-	-	17,000
Sep. 27, 1738, "	-	-	13,500
Oct. 20, 1838, "	-	-	23,000
Nov. 24, 1838, "	-	-	459,500
Feb. 23, 1839, "	-	-	10,800
Mar. 27, 1839, "	-	-	50,000
Mar. 28, 1839, "	-	-	62,000
April 12, 1839, "	-	-	12,800
April 17, 1839, "	-	-	25,200
Paid for the Blue Ridge canal turnpike,	-	-	9,200

Total, - \$2,000,000

3. The aggregate amount of interest paid thereon up to this time is \$1,701,142 04.

4. The amount that "has been received by the state on account of said subscription," is \$10,092 in the form of dividends.

5. "The amount of the stock of said company held by others than the commonwealth" is \$2,000,000, of which \$70,000 has not been paid.

6. The present market value per share of the stock of said company," is \$17— that being the quotation of the last sales.

The amount of loans of bonds and money made by the state to said company is as follows :

Loans of bonds, (state stock,)	-	-	1,596,000 00
Loans of money,	-	-	446,204 69

Total loans of bonds and money, - - \$2,042,204 69

8. The following is a statement of "the amount of bonds of said company which have been guaranteed by the state, and the character of the securities taken to indemnify the state against loss on account of said loans and guaranteed bonds:

"The company's bonds for \$ 1,400,000 under the act of 23d March 1839, ch. 92, sec. 8 and 9, page 62.\* They have 30 years from their date to run, and then redeemable at the pleasure of the company. The corporate funds of the company are bound as the primary fund for the punctual payment of the interest and the final redemption of the principal.

The company's bonds for \$ 350,000, authorized by the act of 20th March 1847, ch. 94, and guaranteed by the state under the act of 9th March 1849, ch. 129, for the purpose of connecting the basin at Richmond with tidewater through the Richmond dock. They are redeemable in 25 years from their date, or at any time within that period, at the pleasure of the company, on giving 6 months' notice. For the payment of interest and the final redemption of the principal, the surplus revenues of the dock are pledged, and if they be insufficient, the president and directors of the company are required to increase the tolls on the canal.

The company's bonds for \$ 150,000, under the act of March 12, 1849, ch. 130, to provide for the Southside and Rivanna connections. They have 25 years to run from their date, and are then redeemable at the pleasure of the company. The act is silent as to security.

The company's coupon bonds for \$ 360,000, under the act of 15th March 1850, ch. 68, to provide for the extension of the James river and Kanawha canal from Buchanan to Covington. They are irredemable for 30 years from July 1851, and then redeemable at the pleasure of the company. A bond and mortgage on all the tolls, receipts and property, real and personal, of the company have been executed as security for the punctual payment of the interest and the final redemption of the principal.

Recapitulation of the company's bonds guaranteed by the state :

Under the act of 23d March 1839,	-	-	-	-	1,400,000 00
" 20th " 1847,	-	-	-	-	350,000 00
" 12th " 1849,	-	-	-	-	150,000 00
" 15th " 1850,	-	-	-	-	360,000 00
Total amount of guaranteed bonds,	-	-	-	-	<u>\$ 2,260,000 00</u>

9. The following is a report of the amount "the state has been called on to pay, either of interest and principal, in consequence of said loans and guaranteed bonds, contrary to the stipulations made between the state and said company at the time said loans were made and said guarantees executed :

Under the act passed January 21, 1843, entitled "an act to provide for the payment of the interest upon certain bonds guaranteed by the commonwealth, and the semi-annual annuity due to the old James river company," paid from January 26 to February 25, 1843, inclusive,	-	-	41,280 00
Under the act passed March 27, 1843, entitled "an act appropriating the public revenue," paid from 1st to 14th July 1843, inclusive,	-	-	46,542 00
Under the act passed 14th January 1845, entitled "an act providing for the payment of the interest upon certain bonds guaranteed by the commonwealth, and the semi-annual annuity due to the old James river company," paid from 15th to 29th January 1845, inclusive,	-	-	78,000 00
Under the act passed March 5, 1846, entitled "an act for the transfer and exchange of certain obligations between the commonwealth and the Board of public works," paid on the 9th April 1846 to the Board of public works for so much interest heretofore paid by the James river and Kanawha company,			

\* The act authorized bonds for \$1,500,000 to be guaranteed, but \$100,000 were canceled in obedience to the requisitions of a subsequent act.

to the 1st January 1846, on \$94,128 96, to the credit of the commonwealth, which last mentioned sum was the amount of a debt due from the said company to the said board, and, under the last mentioned act, made a part of the bond of said company, dated 24th of February 1845, - - -	4,769 21
Paid on the 30th April 1846 to the board of public works for so much of the bond executed by the James river and Kanawha company to the commonwealth on the 24th February 1845, in compliance with the act passed 21st February 1845, entitled "an act for the relief of the James river and Kanawha company," as consisted of the debt due by the said company to the Board of public works transferred to the commonwealth under an act passed 5th March 1846, entitled "an act for the transfer and exchange of certain obligations between the commonwealth and the Board of public works," in part payment of a certificate of state debt for \$100,000, - - -	94,128 96
For balance of interest charged and unpaid, - - -	3,925 16
The above items compose the amount of the bond of the James river and Kanawha company, carrying interest payable on the 1st January and 1st July annually—making the total sum of - - -	268,645 33
Under the act passed December 18, 1846, entitled "an act providing for the payment of interest due by the James river and Kanawha company on the 1st day of January 1847," paid from the 2d to the 6th of January 1847, inclusive, - - -	57,559 36
Total amount of payments, - - -	<u>\$ 326,204 69</u>

10. The following are copies of the deeds of trust, mortgages and other securities which have been executed by said company and individuals to secure the state against loss on account of the interest and principal of said liabilities :

This Indenture, made this ninth day of May in the year eighteen hundred and forty-two, between the James river and Kanawha company of the one part, and the president and directors of the Board of public works of the other part, witnesseth: That whereas on the 25th day of March in the year eighteen hundred and forty-two, an act was passed by the general assembly, entitled "an act authorizing a loan to the James river and Kanawha company," whereby, among other things, it was enacted that the treasurer of the commonwealth, upon the requisition of the Board of public works, should issue to the James river and Kanawha company, in the manner and subject to the regulations in the said act mentioned, certificates of stock to the amount of two hundred and fifty thousand dollars; and whereby it was also enacted, that before the Board of public works should require the said certificates of stock or any part thereof to be issued, the James river and Kanawha company should execute to the president and directors of the said Board of public works a mortgage or other specific lien on all their property, real and personal, and upon the nett income of all their tolls and receipts, and cause the said mortgage or lien to be recorded in the clerk's office of the county court of Henrico, to secure the payment of the annuity to the old James river company, the state from all loss by reason of her responsibility for the payment semi-annually of the interest and the payment of the principal of the guaranteed loan authorized by the act of March 23d, 1839, entitled "an act providing additional capital for the James river and Kanawha company, and for other purposes," or so much of said loan as has been or shall be contracted under the provisions of that and subsequent acts, and the payment semi-annually of the interest and the repayment of the principal of the certificates of stock to be issued under the act first above mentioned; and whereas, at a called meeting of the stockholders of the James river and Kanawha company held on 4th day of the present month of May 1842, a resolution was adopted in the following words: "Resolved, that the loan of two hundred and fifty thousand dollars of the stock of the state of Virginia authorized by the act of assembly, passed March 25, 1842, be accepted;

and the president and directors are hereby authorized to execute to the president and directors of the Board of public works such a mortgage on all the property of the company, real and personal, and on the nett income of the tolls as is required by the said act;" and whereas, in consideration of the said expected loan of stock of the state of Virginia, and in pursuance of the said act of assembly and of the said resolution of the stockholders of the company, it is the desire of the James river and Kanawha company hereby to create such a mortgage as is required by the sixth section of said act.

Now, therefore, in consideration of the premises, and in further consideration of the sum of one dollar to the James river and Kanawha company in hand paid by the president and directors of the Board of public works, the receipt whereof is hereby acknowledged, the James river and Kanawha company have given, granted, bargained and sold, aliened, enfeoffed, released and confirmed, transferred, set over and assigned, and by these presents do give, grant, bargain and sell, alien, enfeoff, release and confirm, transfer, set over and assign unto the president and directors of the Board of public works and their successors, the following property, to wit: All the lands, tenements, hereditaments and real estate of the James river and Kanawha company whatsoever and wheresoever, including their canals, basins, tow-paths, embankments, bridges, dams, locks, roads, toll-houses, and other houses and buildings, together with all other land and real estate of every other description belonging to the said company along their whole line of improvement, or adjacent thereto, including also the Richmond dock with its appurtenances; also the equity of redemption of the company in the real estate in the city of Richmond and county of Henrico, conveyed by two deeds of trust, both executed by the said company on the 1st day of January in the year eighteen hundred and forty-two, viz: One executed to John A. Lancaster and James W. Pegram, trustees, and recorded in the hustings court of said city, to secure certain debts due to the Bank of Virginia, and the other made to James W. Pegram, John G. Blair, John A. Lancaster and Sidney S. Baxter, trustees, and recorded in the clerk's office of the county court of said county, to secure certain debts due to the Bank of Virginia and Farmers Bank of Virginia: for a particular description of which real estate so conveyed, reference is made to the two deeds themselves of record as aforesaid; also all the visible personal estate of the James river and Kanawha company whatsoever and wheresoever, a schedule whereof, as accurate as could conveniently be made, is hereunto annexed; as a part of this indenture: to have and to hold all the property, real and personal, hereby conveyed, with all and singular the rights, privileges and appurtenances thereto belonging, and all its rents, issues and profits, and especially the tolls which may hereafter be derived therefrom, subject however to the provisions, reservations and agreements hereinafter mentioned, unto the president and directors of the Board of public works, their successors and assigns forever, to their only proper use and behoof: provided always, and it is hereby agreed and declared, that if the James river and Kanawha company shall always hereafter, so long as they shall be bound to pay the same, punctually pay, whenever the same shall be due, the dividend of fifteen per centum per annum, which they are by their charter bound to pay to the stockholders of the old James river company; and if the said James river and Kanawha company shall fully and completely at all times protect and save harmless the commonwealth from all loss by reason of her responsibility for the payment semi-annually of the interest and the payment of the principal of the guaranteed loan authorized by the act of the 23d March 1839, entitled "an act providing additional capital for the James river and Kanawha company, and for other purposes," or so much of said loan as has been or shall be contracted under the provisions of that and subsequent acts; and if the said company shall punctually pay into the public treasury, in the manner required by the said act of the 25th March 1842, the semi-annual interest on the certificates of stock which may be issued to the company under that act, and shall moreover repay to the commonwealth at the public treasury the principal of each of the said certificates of stock, whenever the commonwealth shall be bound to pay or shall have actually paid the same; then this indenture and everything herein contained shall be void and of no effect, and all the estate and interest herein granted and assigned shall cease



and determine: provided also, that the property, real and personal, hereby conveyed is conveyed subject to all liens, incumbrances, rights and privileges attaching or belonging thereto, or to any part thereof which have been acquired by persons or bodies politic not parties to this indenture, previously to the passage of the act of the 25th March 1842 aforesaid: provided moreover, and it is hereby covenanted and agreed by and between the parties to this indenture, that until this mortgage shall be foreclosed, the James river and Kanawha company, their officers, agents and servants, may remain in the undisturbed use and possession of the property, real and personal, hereby conveyed, may collect and receive the tolls and other income thereof, and after defraying therefrom the necessary charges for the repair, support and management of their canal and other works, and for the administration of the company, the company shall apply the residue of their tolls and other income aforesaid, or so much thereof as may be necessary, to the payment of the annuity aforesaid to the stockholders of the old James river company, to the payment of the semi-annual interest of the said certificates of stock, and to the payment of the semi-annual interest on the loan aforesaid for which the state is bound as guarantor of the company: and provided lastly, that nothing herein contained shall be so construed as to prevent the James river and Kanawha company from exercising all the rights and powers which they have derived or which have been conferred upon them by the act of the general assembly which passed the 20th day of March 1841, entitled "an act to authorize the James river and Kanawha company to purchase the Richmond dock, and for other purposes."

{ SEAL  
J. R. & K. CO. }

In testimony whereof, the parties to this indenture have each caused the president to sign his name and their corporate seal to be affixed hereto.

JOSEPH C. CABELL,  
Pres't J. R. & K. Co.

### *Inventory of the Personal Property of the James River and Kanawha Company.*

The iron safe, paper cases, desks, tables, seal presses, chairs and other furniture; the printed annual reports and other pamphlets; the law books, books of record, books of account and other books, papers, maps, charts, plans, stationery and implements in the company's office in Richmond.

The tables and other furniture; drawing boards, levels, compasses, chains and other engineering instruments; charts, plans, books, papers, stationery and implements in the engineer's office of the company in Richmond.

Ditto in the engineer's office of the company in Lynchburg.

Ditto in the engineer's office of the company on the Blue Ridge residency

Ditto in the engineer's office of the company on the Bald Eagle residency.

The iron weights, gauging rods, gauge register, desks, table, chairs, papers, stationery and other furniture and implements in the gauging dock at Richmond and inspector's office attached thereto.

The iron safe, paper, cases, desks, tables, chairs and other furniture; books, papers, stationery and implements in the toll-gatherer's office in Richmond; the patent balance and platform in the scale-house adjoining to said office, and the crane erected on the margin of the basin near the same.

The iron safe, desks, tables, chairs and other furniture; books, papers, stationery and implements in the toll-gatherer's office in Scottsville.

The desks, tables, chairs and other furniture; books, papers and implements in the toll-gatherer's office in Lynchburg.

The iron safe in the possession of Smithson H. Davis at Lynchburg.

The register, desk, stationery and implements in the possession of the keeper of each of the clearance locks No. 2, No. 21, No. 24 and No. 51.

The register, desk, stationery and implements in the possession of the keeper of each of the following locks, which are toll-locks, viz: The guard lock at Boshers dam, the guard lock at Maidens Adventure dam, lock No. 12, lock No. 14, lock No. 16, lock No. 28, the guard lock at Tye river dam, lock No. 38 and lock No. 44.

A wheelbarrow, pick and shovel in the possession of the keeper of each of the following locks, viz: Locks Nos. 1 and 2, lock No. 2, lock No. 4, 4 G, 5 and 6, the guard lock at Maidens Adventure, the combined locks Nos. 7 and 8, lock No. 9, lock No. 10, lock No. 11, lock No. 12, lock No. 13, lock No. 14, lock No. 15, lock No. 16, lock No. 17, locks Nos. 18, 18 G and 19, locks Nos. 20 and 21, lock No. 22, lock No. 23, lock No. 24, lock No. 25, lock No. 26, lock No. 27, lock No. 28, lock No. 29, lock No. 30, lock No. 31, lock No. 32, the guard lock and river lock at Tye river dam, the combined locks Nos. 33 and 34, lock No. 35, lock No. 36, lock No. 37 and lock No. 38.

A tin framed glass lamp and oil can at each of the 51 lift locks, and the guard locks at Maidens Adventure dam, Tye river dam and Joshua falls dam, and the stove (if any) in the lock-house occupied by the keeper of each of the said locks.

The old dredging machine in the Richmond dock, purchased from John Enders, and the scows now constructing to accompany the same.

The outfit of the yearly force employed under the superintendent of repairs, consisting of the following description of articles, distributed along the line of the canal from Richmond to Lynchburg, and under charge of the assistant superintendents, viz: The new dredging machine, with the horse scows, wheelbarrows, wheeling planks, shovels and other tools, and the utensils and provisions for the use of the laborers attached to said machine; 8 horse boats, 2 batteaux, 14 lighters with the stoves, furniture, cooking utensils, and supplies of food, clothing and medicine necessary for the year hands on the canal; the tools for their use; about 150 barrels of hydraulic cement, and other materials of wood, stone and iron kept on hand for the repair of the canal and works of art when necessary.

The cement in the company's cement store-house at the upper dam on the old Blue Ridge canal.

The furniture of the old toll-house on the Blue Ridge canal, and the implements formerly used in the repair of the said canal and the Blue Ridge turnpike, and now in the charge of John W. Reins, cement agent at the cement store-house aforesaid.

The furniture and implements (if any) belonging to the company at each of the 11 gates on the Kanawha turnpike and Gauley bridge.

The boat or boats, furniture, implements, utensils, books, papers and other articles belonging to the company in the possession of the agent on the western improvements and the collector of tolls on the Kanawha river or either of them.

The cattle, implements, materials, forage and provisions for the yearly force employed on the repairs of the Kanawha turnpike, distributed along the line of said road, under the charge of the agent on the western improvements.

W. B. CHITTENDEN, *Sec'y.*

*Office James River and Kanawha Co.  
Richmond, 9th May 1842.*

At a meeting of the president and directors of the James river and Kanawha company, at the office of the company in Richmond on 12th May 1853:

A mortgage from the James river and Kanawha company to the president and directors of the Board of public works, such as is required by the act of the legislature authorizing a loan to the James river and Kanawha company, passed 25th March 1842, drawn by the counsel of the company in conformity with said act, and bearing date the ninth of the present month, having been read to the board:

*Resolved*, That said mortgage be approved, and that the president be authorized to execute the same on the part of the company, under the corporate seal, and to place it on record in the clerk's office of the county court of Henrico.

(Extract from the records.)

W. B. CHITTENDEN, *Sec'y*.

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At a meeting of the stockholders of the James river and Kanawha company, called agreeably to the 2d section of the by-laws, and held at the office of the company in Richmond on the 4th day of March 1842, it was

*Resolved*, That the loan of two hundred and fifty thousand dollars of stock of the state of Virginia, authorized by the act of assembly passed March 25th, 1842, be accepted; and the president and directors are hereby authorized to execute to the president and directors of the Board of public works such a mortgage on all the property of the company, real and personal, and on the nett income of the tolls, as is required by the said act.

W. B. CHITTENDEN, *Sec'y of Co.*  
*Acting as Clerk of Meeting ex officio.*

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I approve the form and execution of this mortgage.

S. S. BAXTER, *Att'y General*.

✓ May 14, 1842.

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SECOND AUDITOR'S OFFICE,  
18th May 1842.

The within mortgage was this day approved and received by the president and directors of the Board of public works.

J. BROWN, JR., *Sec. Aud. and*  
*Sec'y Board of P. Works.*

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This indenture was acknowledged in the clerk's office of Henrico county court on the 12th day of May 1842, by Joseph C. Cabell, president of the James river and Kanawha company, the said company being a party to the same, and with the inventory and resolutions annexed, admitted to record.

Teste,

LOFTIN N. ELLETT, C. H. C.

This Indenture, made this twenty-eighth day of June, in the year eighteen hundred and forty-seven, between the James river and Kanawha company of the one part, and the president and directors of the Board of public works of the other part, witnesseth: That whereas, on the 1st day of March in the year 1847, an act was passed by the general assembly of Virginia, entitled "an act to provide for the completion of the James river and Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes," whereby it was, among other things, enacted that the treasurer of the commonwealth, upon the requisition of the Board of public works, should issue to the James river and Kanawha company, at the dates, in the manner, and subject to the regulations in the said act mentioned, certificates of stock to the amount of one million two hundred and thirty-six thousand dollars; and whereby it was also enacted, that before the Board of public works shall require the said certificates of stock, or any part thereof to be issued, the James river and Kanawha company shall execute to the president and directors of the Board of public works a mortgage or other specific lien on all its property, real and personal, and upon the nett income of all its tolls and receipts, and cause said mortgage to be recorded in the clerk's office of the county court of Henrico county to secure the payment of the principal of the stock loaned under this act, as well as the payment of the semi-annual interest thereon.

And whereas at an adjourned meeting of the stockholders of the James river and Kanawha company, held in Richmond on the 17th day of March 1847, a resolution was adopted in the following words: "Resolved that the president and directors be and they are hereby authorized and instructed to execute the mortgage required by the said act, and to place the same on record in the clerk's office of the county court of Henrico county." And whereas by another act of assembly, passed the 20th day of March 1847, entitled "an act providing for the connection of the canal or basin at Richmond with the tidewater of James river, through the Richmond dock, and for other purposes," the said James river and Kanawha company, successors to the Richmond dock company, were authorized to borrow on the credit of the surplus revenue of the said dock, such amount of money, not exceeding three hundred and fifty thousand dollars, as may be necessary for the purposes of the said act, and by the said act are authorized to pledge, for the payment of the semi-annual interest of the said debt, so much of the surplus revenue of the said dock as may be necessary for that purpose, and to appropriate the residue thereof annually to the accumulation of a sinking fund for the redemption of the principal of this loan." And whereas at the meeting of the stockholders of the said company, held as aforesaid on the 17th day of March 1847, a resolution was passed in the following words: "Resolved, that the president and directors are hereby authorized, if they deem it expedient to do so, to accept of any act of the present general assembly that may be passed in relation to the tidewater connection, and that they be required to commence that work whenever the means sufficient may be provided for that purpose, and execute any liens or mortgages that may be required by the act." Which said act has been accepted by the said president and directors, and by means of which said act of the 20th of March, the said last mentioned resolution of the stockholders, and the acceptance of the president and directors, the dock with its income has been excepted and reserved from the mortgage required by the act of the 1st of March 1847, so far as to enable the said company to give a prior lien thereon and to pledge the same for the payment of the interest and principal of the said sum of three hundred and fifty thousand dollars authorized to be raised by the act of 20th of March 1847, before the said dock or its surplus income shall be responsible for the payment of the interest or principal of the sum of one million two hundred and thirty-six thousand dollars to be advanced under the act of the 1st of March 1847.

And whereas in consideration of the said expected loan of one million two hundred and thirty-six thousand dollars of the stock of the state of Virginia, and in pursuance of the said act of assembly of the 1st of March 1847, and of the resolution of the stockholders of the 17th March 1847, first above mentioned, it is the desire of the James river and Ka-

kanawha company hereby to create such a mortgage as is required by the sixth section of the said act.

Now, therefore, in consideration of the premises, and in further consideration of the sum of one dollar to the James river and Kanawha company in hand paid by the president and directors of the Board of public works, the receipt whereof is hereby acknowledged, the James river and Kanawha company have given, granted, bargained and sold, aliened enfeoffed, released and confirmed, and by these presents do give, grant, bargain and sell, alien, enfeoff, release and confirm, transfer, set over and assign unto the president and directors of the Board of public works and their successors, the following property, viz: all the lands, tenements, hereditaments and real estate of the James river and Kanawha company whatsoever and wheresoever, including their canals, tow-paths, embankments, bridges, dams, locks, road, toll-houses and other houses and buildings, together with all other land and real estate of every other description belonging to the said company along their whole line of improvement or adjacent thereto, and including also all real estate which they may hereafter acquire between Lynchburg and the town of Buchanan, with or by means of the sum of one million two hundred and thirty-six thousand dollars or part thereof, or which may be acquired in the prosecution of the work to the town of Buchanan, and including also the Richmond dock and the property acquired and held therewith for the purpose of connecting the basin or canal with tidewater, and its appurtenances; but the said dock and property and its appurtenances are hereby conveyed with a distinct reservation of the power of the said company to give a prior lien or pledge of the said dock and property, and appurtenances to raise the sum of three hundred and fifty thousand dollars authorized by the act of the 20th of March 1847, and subject to any charge which may be created in pursuance of that act as a prior lien. Also all the nett income of their tolls. Also all the personal property of the James river and Kanawha company whatsoever and wheresoever, a schedule whereof as accurate as could conveniently be made, is hereunto annexed as part of this indenture: to have and to hold all the property real and personal, hereby conveyed, with all and singular the rights, privileges and appurtenances thereto belonging, and all its rents, issues and profits, especially the tolls which may hereafter be derived therefrom; subject, however, to the right to charge the tolls, rents, issues or profits of the dock, with the principal and interest of any sum or sums of money raised under the provisions of the law of 20th March 1847, or with any certificates of debt issued under the said law; and subject also to the provision, reservation and agreements hereafter mentioned, unto the president and directors of the Board of public works, their successors and assigns forever, to their only proper use and behoof: provided always, and it is hereby agreed and declared, that if the James river and Kanawha company shall pay into the treasury of the commonwealth, (after defraying the necessary charges for the repairs, support and management of its canal and other improvements and general administration of its affairs, and after paying its semi-annual interest and annuity debts now existing,) the semi-annual interest on the certificates of stock issued under the act of 1st March 1847, in specie or its equivalent, at least ten days before said interest will be due and redeemable; and shall, when the principal sum of said certificates of debt shall be due and redeemable, pay the amount of principal into the treasury of the commonwealth, in specie or its equivalent, then this indenture and everything therein contained shall be void and of no effect: provided moreover, and it is hereby covenanted and agreed by and between the parties to this indenture, that until this mortgage shall be foreclosed, the James river and Kanawha company, their officers, agents and servants may remain in the undisturbed use and possession of the property, real and personal, hereby conveyed, may collect and receive the tolls and other income thereof, and after defraying the necessary charges for the repair, support and management of its canal and other improvements, and the general administration of its affairs, and after paying its semi-annual interest and annuity debts now existing, shall pay the semi-annual interest on the certificates of stock issued under the act of 1st March 1847, into the treasury of the commonwealth, in specie or its equivalent, at least ten days before said

interest shall become due, and shall moreover, when the principal of the certificates of debt shall become payable, pay the same in specie or its equivalent into the treasury of the commonwealth: and provided lastly, that nothing herein contained shall be so construed as to prevent the James river and Kanawha company from exercising all the rights and powers which they have derived and may have been conferred on them by any act of assembly heretofore passed.

{ SEAL. } In testimony whereof, the parties to this indenture have each caused their president to sign his name, and their corporate seals to be affixed hereto.

W. B. CHITTENDEN,  
Pres. J. R. & K. Co.

*Inventory of the Personal Property of the James River and Kanawha Company.*

The iron safe, paper cases, desks, tables, seal presses, chairs and other furniture, law books, maps, charts, books of accounts, stationery, implements and engineers' instruments in company's office and toll-gatherers' offices.

The iron weights, gauging rods and furniture and implements in the gauging docks at Richmond, Scottsville and at Lynchburg; the register, desks, stationery and implements at each of the locks.

The wheelbarrows, shovels and implements at the various locks on the canal.

The three dredging machines, scows, fixtures and tools belonging thereto, and all implements, tools and house boats and furniture of the yearly hands.

The boats and tools of various kinds, the implements, cattle and forage in the possession of the agents on the western improvement and at the Blue Ridge turnpike and ferry, and the collector of tolls on Kanawha river at Charleston.

C. O. GERBERDING, Sec'y.

*Office James River and Kanawha Co.*

*Richmond, June 28, 1847.*

At a meeting of the executive committee of the board of directors of the James river and Kanawha company at Richmond, on Monday, the 28th June 1847:

A mortgage from the company to the president and directors of the Board of public works, such as is required by the act of the legislature, entitled "an act to provide for the completion of the James river and Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes," passed the 1st of March 1847, drawn by the counsel of the company in conformity with said act, and bearing date the 28th day of June 1847, having been read:

Resolved, That said mortgage be approved, and that the president be authorized to execute the same on the part of the company under the corporate seal, and to place it on record in the clerk's office of the county court of Henrico.

(Extract from the records.)

C. O. GERBERDING, Sec'y.

At a meeting of the stockholders of the James river and Kanawha company in the hall of the house of delegates, on Wednesday, 17th March 1847:

Resolved, That the stockholders approve the provisions of the act of the general assembly, passed on the 1st of March 1847, entitled "an act to provide for the completion of the James river and Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes," and adopt the same as a part of their charter.

Resolved, That the president and directors of the company be and they are hereby authorized and instructed to execute the mortgage required by the said act, and to place the same on record in the clerk's office of the county court of Henrico county; and also to execute and file with the second auditor the bonds required by the said act as soon as the necessary sureties of persons or bodies politic and corporate shall be ready to join therein.

(Extract from the records.)

C. O. GERBERDING, *Sec'y.*

I approve the form and execution of this mortgage.

S. S. BAXTER,  
*Attorney General.*

June 30th, 1847.

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This Indenture was acknowledged in the clerk's office of Henrico county court, on the 29th day of June 1847, by W. B. Chittenden, president of the James river and Kanawha company, for and on the part of the said company, and, with the inventory and copy of the resolutions annexed, admitted to record.

*Teste,*

LOFTIN N. ELLETT, *C. H. C.*

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SECOND AUDITOR'S OFFICE,  
June 30, 1847.

The within deed of mortgage from the president and directors of the James river and Kanawha company to the Board of public works, was this day approved and received by the said board.

J. BROWN, *Jr.*  
*Second Auditor.*

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This Indenture, made this 27th day of February in the year eighteen hundred and fifty-one, between the James river and Kanawha company of the one part, and the president and directors of the Board of public works of the other part, witnesseth: That whereas on the 25th day of January 1850, an act was passed by the general assembly of Virginia, entitled "an act to provide for the completion of the James river and Kanawha canal from the tidewater at Richmond to the town of Buchanan, and for other purposes," whereby it was made lawful for the treasurer to issue to the James river and Kanawha company, on the 1st day of July 1850, certificates of state stock to the amount of one hundred and ten thousand dollars in addition to the amounts authorized and directed to be issued to the said company by the act, entitled "an act to provide for the completion of the James river and

Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes," passed the first of March 1847—the said additional sum of one hundred and ten thousand dollars to be expended in the completion of the unfinished works of the said company between Lynchburg and Buchanan. And the said additional loan of one hundred and ten thousand dollars of state stock to the James river and Kanawha company is made subject to the terms and conditions prescribed by the said act of March 1st, 1847, in regard to the loan thereby made to the said company, with such exceptions as in the said act of 25th January 1850, are mentioned; and as by the terms and conditions of the act of March 1st, 1847, not excepted by the act of 25th January 1850, the said James river and Kanawha company is required to execute to the president and directors of the Board of public works a mortgage or other specific lien on all its property, real and personal, and upon the nett income of all its tolls and receipts, and cause said mortgage to be recorded in the clerk's office of the county court of Henrico county, to secure the payment of the principal of the stock loaned as well as the payment of the semi-annual interest—by the force of which said acts it became the duty of said company, if it accepted the provisions of the act of the 25th January 1850, to cause such mortgage to be executed.

And whereas, at a meeting of the stockholders of the said James river and Kanawha company held on Saturday January 11th, 1851, it was resolved that the company accept the provisions of the acts of January 25th and March 15th, 1850, and the president and directors are hereby authorized, on behalf of the company, to execute the securities required by those acts; and at a meeting of the president and directors held on Wednesday the 19th February 1851, it was resolved that the president be authorized to communicate with the Board of public works and execute the security required by the provisions of the act passed 25th January 1850, entitled "an act to provide for the completion of the James river and Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes;" and whereas, by another act of assembly, passed the 20th day of March 1847, entitled "an act providing for the connection of the canal or basin at Richmond with the tidewater of James river through the Richmond dock, and for other purposes," the said James river and Kanawha company, successors to the Richmond dock company, were authorized to borrow, on the credit of the surplus revenue of the said dock, such amount of money, not exceeding three hundred and fifty thousand dollars, as may be necessary for the purpose of the said act, and by the said act are authorized to pledge, for the payment of the semi-annual interest of the said debt, so much of the surplus revenue of the said dock as may be necessary for that purpose, and to appropriate the residue thereof annually to the accumulation of a sinking fund for the redemption of the principal of this loan; and whereas, at the meeting of the stockholders of the said company, held as aforesaid, on the 17th day of March 1847, a resolution was passed in the following words: "Resolved that the president and directors are hereby authorized, if they deem it expedient to do so, to accept of any act of the present general assembly that may be passed in relation to the tidewater connection, and that they be required to commence that work whenever the means sufficient may be provided for that purpose, and execute any liens or mortgages that may be required by the act;" which said act has been accepted by the said president and directors, and by means of which said act of 20th of March, the said last mentioned resolution of the stockholders, and the acceptance of the president and directors, the dock with its income has been excepted and reserved from the mortgage required by the act of the 1st March 1847, so far as to enable the said company to give a prior lien thereon, and to pledge the same for the payment of the interest and principal of the sum of three hundred and fifty thousand dollars authorized to be raised by the act of the 20th March 1847, before the said dock or its surplus income shall be responsible for the payment of the interest or principal of the sum of one million two hundred and thirty-six thousand dollars to be advanced under the act of 1st of March 1847.

And whereas, in consideration of the said expected loan of one hundred and ten thousand dollars of the stock of the state of Virginia, and in pursuance of the said act of as-



sembly of the 25th of January 1850, and of the resolution of the stockholders of the 11th January 1851, first above mentioned, it is the desire of the James river and Kanawha company hereby to create such a mortgage as is required by the sixth section of the said act.

Now, therefore, in consideration of the premises, and in further consideration of the sum of one dollar to the James river and Kanawha company in hand paid by the president and directors of the Board of public works, the receipt whereof is hereby acknowledged, the James river and Kanawha company have given, granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents do give, grant, bargain and sell, alien, enfeoff, release and confirm, transfer, set over and assign, unto the president and directors of the Board of public works and their successors, the following property, viz: all the lands, tenements, hereditaments and real estate of the James river and Kanawha company, whatsoever and wheresoever, including their canals, tow-paths, embankments, bridges, dams, locks, road, toll-houses, and other houses and buildings, together with all other land and real estate of every other description belonging to the said company, along their whole line of improvement or adjacent thereto, and including also all real estate which they may have between Lynchburg and the town of Buchanan, or which may be acquired in the prosecution of the work to the town of Buchanan; and including also the Richmond dock, and the property acquired and held therewith, for the purpose of connecting the basin or canal with tidewater, and its appurtenances; but the said dock and property and its appurtenances are hereby conveyed with a distinct reservation of the power of the said company to give a prior lien or pledge of the said dock and property and appurtenances to raise the sum of three hundred and fifty thousand dollars authorized by the act of the 20th of March 1847, and subject to any charge which may be created in pursuance of that act as a prior lien; also all the nett income of their tolls; also all the personal property of the James river and Kanawha company, whatsoever and wheresoever, a schedule whereof, as accurate as could conveniently be made, is hereto annexed as part of this indenture: to have and to hold all the property, real and personal, hereby conveyed, with all and singular the rights, privileges and appurtenances thereto belonging, and all its rents, issues and profits, especially the tolls which may hereafter be derived therefrom; subject, however, to the right to charge the tolls, rents, issues or profits of the dock with the principal and interest of any sum or sums of money raised under the provisions of the law of 20th March 1847, or with any certificates of debt issued under the said law; and subject also to the provision, reservation and agreements hereafter mentioned, unto the president and directors of the Board of public works, their successors and assigns forever, to their only proper use and behoof: provided always, and it is hereby agreed and declared, that if the James river and Kanawha company shall pay into the treasury of the commonwealth, (after defraying the necessary charges for the repairs, support and management of its canal and other improvements, and general administration of its affairs, and after the paying its semi-annual interest and annuity debts now existing,) the semi-annual interest on the certificates of stock issued under the act of 25th January 1850, in specie or its equivalent, at least ten days before said interest will be due and redeemable, and shall, when the principal sum of said certificates of debt shall be due and redeemable, pay the amount of principal into the treasury of the commonwealth, in specie or its equivalent, then this indenture, and every thing therein contained, shall be void and of no effect: provided, moreover, and it is hereby covenanted and agreed, by and between the parties to this indenture, that until this mortgage shall be foreclosed, the James river and Kanawha company, their officers, agents and servants, may remain in the undisturbed use and possession of the property, real and personal, hereby conveyed, may collect and receive the tolls and other income thereof, and, after defraying the necessary charges for the repair, support and management of its canal and other improvements, and the general administration of its affairs, and after paying its semi-annual interest and annuity debts now existing, shall pay the semi-annual interest on the certificates of stock issued under the act of the 25th of January 1850, into the treasury of the commonwealth, in specie or its equivalent.

lent, at least ten days before said interest shall become due, and shall, moreover, when the principal of the certificates of debt shall become payable, pay the same, in specie or its equivalent, into the treasury of the commonwealth: and provided, lastly, that nothing herein contained shall be so construed as to prevent the James river and Kanawha company from exercising all the rights and powers which they have derived and may have been conferred on them by any act of assembly heretofore passed.

{ SEAL  
J. R. & K. CO. }

In testimony whereof, the parties to this indenture have each caused their president to sign his name, and their corporate seals to be affixed hereto.

J. Y. MASON, *Pres't*  
J. R. & K. Co.

{ SEAL  
B. F. WORKS. }

JOHN B. FLOYD, *Pres't*  
Board P. W.

March 11, 1851.

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HENRICO COUNTY, to wit:

I, William F. Watson, a notary public for the county aforesaid, do certify that John Y. Mason, president of the James river and Kanawha company, whose name is signed to the writing above bearing date on the 27th day of February 1851, acknowledged the same before me in my county aforesaid. Given under my hand and seal this 3d day of March 1851.

WM. F. WATSON,  
Notary Public. [*Seal.*]

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*Inventory of the Personal Property of the James River and Kanawha Company.*

The iron safe, paper, cases, desks, tables, seal presses, chairs and other furniture; law books, maps, charts, books of account, stationery, implements and engineers' instruments in company's office and toll-gatherer's office.

The iron weights, gauging rods, and furniture and implements in the gauging docks at Richmond, Scottsville and Lynchburg.

The register, desks, stationery and implements at each of the locks.

The wheelbarrows, shovels and implements at the various locks on the canal.

The three dredging machines, scows, fixtures and tools belonging thereto, and all implements, tools, and house-boats and furniture of the yearly hands.

The boats and tools of various kinds, the implements, cattle and forage in the possession of the agents on the western improvements, and at the Blue Ridge turnpike and ferry and the collector of tolls on Kanawha river at Charleston.

WM. P. MUNFORD, *Sec'y.*

*Office James River and Kanawha Co.*

*Richmond, Feb. 27, 1851.*

At a meeting of the stockholders of the James river and Kanawha company, held on Saturday January 11th, 1851, it was

*Resolved*, That the company accept the provisions of the acts of January 25th and March 15th, 1850; and the president and directors are hereby authorized, on behalf of the company, to execute the securities required by those acts.

(Extract from the records.)

WM. P. MUNFORD, *Sec'y.*

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At a meeting of the president and directors of the James river and Kanawha company, held on Wednesday February 19th, 1851, it was

*Resolved*, That the president be authorized to communicate with the Board of public works, and execute the security required by the provisions of the act, passed 25th January 1850, entitled an act to provide for the completion of the James river and Kanawha canal from tidewater at Richmond to the town of Buchanan, and for other purposes.

(Extract from the records.)

WM. P. MUNFORD, *Sec'y.*

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I approve this bond.

S. S. BAXTER, *Att'y General.*

March 3, 1851.

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This deed was produced in the clerk's office of Henrico county court on the 4th day of March 1851, and, with the certificate, inventory and extracts thereafter written, admitted to record.

Teste,

LOFTIN N. ELLETT, *C. H. C.*

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This Indenture, made this seventh day of April in the year eighteen hundred and fifty-one, between the James river and Kanawha company of the one part, and the president and directors of the Board of public works of the other part, witnesseth: That whereas on the 15th day of March 1850, an act was passed by the general assembly of Virginia, entitled "an act to provide for the guarantee of the bonds of the James river and Kanawha company for the extension of the James river and Kanawha canal from Buchanan to Covington," whereby it was made lawful for the James river and Kanawha company to borrow, on the credit of the corporate funds, the sum of three hundred and sixty thousand dollars, in sums of thirty thousand dollars per month, commencing on the first day of November next, (after the date of the said act,) for the purpose of extending the company's water line from Buchanan to Covington, if such loan can be negotiated at an interest not exceeding six per centum per annum, payable at some place in the United States designated in the certificates of debt to be issued by the company; the principal of said loan to be irredeemable for thirty years, and then to be redeemable at the pleasure of the company; and the faith of the state is pledged for the punctual payment of the interest and the re-

redemption of the principal, according to the terms of the loan; but the corporate funds of the company to be bound as the primary fund for such purpose. And by said act it was further provided that the company shall issue certificates of debt for the several sums they propose to borrow in pursuance of this act; and each certificate shall distinctly set forth the rate of interest to be paid, and time and place of its payment, and the terms of redemption of the principal sum; and it is made the duty of the treasurer of this commonwealth to underwrite the guarantee of the state, pledging the faith of the state for the punctual payment of the interest and the redemption of the principal sum of money appearing to be owing by the above bond, according to the terms therein specified.

And by the said act it is further provided that no such guarantee shall be made by the treasurer until the said company shall have executed and delivered to the Board of public works security for the payment of the principal and interest of said bonds, according to the tenor thereof, in the form of a mortgage or other specific lien to the satisfaction of said board, of all the tolls, receipts and property, real and personal, of the said company.

And whereas at a meeting of the stockholders of the said company, held on Saturday, January 11th, 1851, it was "Resolved, That the company accept the provisions of the acts of January 25th and March 15th, 1850, and the president and directors are hereby authorized on behalf of the company to execute the securities required by those acts." And at a meeting of the president and directors of the said company, held on Wednesday, April 2d, 1851, it was "Resolved, That the president be authorized to execute the security required by the provisions of the act passed March 15th, 1850, entitled 'an act to provide for the guarantee of the bonds of the James river and Kanawha company for the extension of the James river and Kanawha canal from Buchanan to Covington.'"

And whereas in consideration of the said intended loan and guarantee of three hundred and sixty thousand dollars, and in pursuance of the said act of assembly of the 15th March 1850, first above mentioned, it is the desire of the James river and Kanawha company hereby to create such a mortgage as is required by the said act.

Now, therefore, in consideration of the premises, and in further consideration of the sum of one dollar to the James river and Kanawha company in hand paid by the president and directors of the Board of public works, the receipt whereof is hereby acknowledged, the James river and Kanawha company have given, granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents do give, grant, bargain and sell, alien, enfeoff, release and confirm, transfer, set over and assign, unto the president and directors of the Board of public works, and their successors, the following property, viz: All the lands, tenements, hereditaments and real estate of the James river and Kanawha company, whatsoever and wheresoever, including their canals, tow-paths, embankments, bridges, dams, locks, roads, toll-houses and other houses and buildings, together with all other land and real estate of every other description, belonging to the said company, along their whole line of improvement or adjacent thereto, and including also all real estate which they may have between Lynchburg and the town of Buchanan, or which may be acquired in the prosecution of the work from Buchanan to Covington; and including also the Richmond dock, and the property acquired and held therewith, for the purpose of connecting the basin or canal with tidewater and its appurtenances; but the said dock and property and its appurtenances are hereby conveyed with a distinct reservation of the power of the said company to give a prior lien or pledge of the said dock and property and its appurtenances, to raise the sum of three hundred and fifty thousand dollars, authorized by the act of the 20th of March 1847, and subject to any charge which may be created in pursuance of that act as a prior lien; also all the nett income of their tolls; also all the personal property of the James river and Kanawha company, a schedule whereof, as accurate as could conveniently be made, is hereto annexed as part of this indenture: to have and to hold all the property, real and personal, hereby conveyed, with all and singular the rights, privileges and appurtenances thereto belonging, and all its rents, issues and profits, especially the tolls which may hereafter be derived therefrom; subject, however, to the right to charge

the tolls, rents, issues or profits of the dock, with the principal and interest of any sum or sums of money raised under the provisions of the law of 20th March 1847, or with any certificates of debt issued under the said law; and subject also to the provision, reservation and agreements hereafter mentioned unto the president and directors of the Board of public works, their successors and assigns forever, to their only proper use and behoof: provided always, and it is hereby agreed and declared, that if the James river and Kanawha company shall (after defraying the necessary charges for the repairs, support and management of its canal and other improvements, and general administration of its affairs, and after paying its semi-annual interest and annuity debts now existing,) pay punctually the interest due on said certificates of debt, and shall pay the principal sums owing by the said certificates of debt, according to the terms therein specified; and shall, in all respects, save harmless and indemnify the commonwealth against all responsibilities incurred by the guarantee aforesaid, then this indenture and everything therein contained shall be void and of no effect: provided moreover, and it is hereby covenanted and agreed, by and between the parties to this indenture, that until this mortgage shall be foreclosed, the James river and Kanawha company, their officers, agents and servants, may remain in the undisturbed use and possession of the property, real and personal, hereby conveyed, may collect and receive the tolls and other income thereof, and, after defraying the necessary charges for the repair, support and management of its canal and other improvements, and the general administration of its affairs, and after paying its semi-annual interest and annuity debts now existing, shall pay punctually the interest due on said certificates of debt, and shall pay the principal sums owing by the said certificates of debt, according to the terms therein specified; and shall, in all respects, save harmless and indemnify the commonwealth against all responsibilities incurred by the guarantee aforesaid: and provided lastly, that nothing herein contained shall be so construed as to prevent the James river and Kanawha company from exercising all the rights and powers which they have derived and may have been conferred on them by any act of assembly heretofore passed.

{ SEAL. } In testimony whereof, the parties to this indenture have each caused their president to sign his name, and their corporate seals to be affixed thereto.

JOHN Y. MASON,  
Pres. J. R. & K. Co.

COUNTY OF HENRICO, to wit:

I, William F. Watson, a notary public for the county aforesaid, in the state of Virginia, do certify that John Y. Mason, president of the James river and Kanawha company, whose name is signed to the writing above, bearing date on the 7th day of April 1851, has acknowledged the same before me in my county aforesaid.

Given under my hand and seal this 7th day of April 1851.

WM. F. WATSON,  
Notary Public.

*Inventory of the Personal Property of the James River and Kanawha Company.*

The iron safes, paper cases, desks, tables, seal presses, chairs and other furniture, law books, maps, charts, books of accounts, stationery, implements and engineer's instruments in company's office and toll-gatherer's office.

The iron weights, gauging rods and furniture and implements in the gauging docks at Richmond, Scottsville and Lynchburg.

The register, desks, stationery and implements at each of the locks.

The wheelbarrows, shovels and implements at the various locks on the canal.

The three dredging machines, scows, fixtures and tools belonging thereto, and all the implements, tools and house boats and furniture of the yearly hands.

The boats and tools of various kinds, the implements, cattle and forage in the possession of the agents on the western improvements, and at the Blue Ridge turnpike and ferry, and the collector of tolls on Kanawha river at Charleston.

WM. P. MUNFORD, *Sec'y.*

*Office James River and Kanawha Co.  
Richmond, April 7, 1851.*

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This deed was presented in the clerk's office of Henrico county court on the 4th day of December 1852, and, with the certificate thereafter written and inventory annexed, admitted to record.

Tests,

WM. A. WINSTON, *D. C. H. C.*

*List of Bonds received from the James River and Kanawha Company, under act  
of 1st March 1847.*

*Received 27th March 1847.*

1847.

Mar. 16, Edw'd Valentine and 2 others,	-	-	5,000 00	
8, S. C. Robinson and Jos. J. Albright,	-	-	10,000 00	
12, Thomas Cartmill, John B. Sherrard,	-	-	10,000 00	
16, Benjamin Carpers and Benjamin Ammen,	-	-	5,000 00	
9, James Shanks and John Ammen,	-	-	10,000 00	
8, Jacob Obenchain and 2 others,	-	-	1,000 00	
16, John S. Wilson and 3 others,	-	-	20,000 00	
10, Cary Breckenridge and Wm. B. Preston,	-	-	10,000 00	
13, Fletcher H. Mays and Alex'r P. Eakridge,	-	-	5,000 00	
9, Geo. Delong and 4 others,	-	-	1,000 00	
- Edw'd Johnson and 4 others,	-	-	20,000 00	
8, Dan'l Ammen and 9 others,	-	-	10,000 00	
				107,000 00

*Received 16th April 1847.*

1847.

Ap'l 1, Charles T. Beale and 2 others,	-	-	10,000 00	
Mar. 24, Sam'l Nofzinger and 2 others,	-	-	5,000 00	
Ap'l 5, William Weaver and Sam'l Sherrard,	-	-	5,000 00	
1, Peter Nenizer and Jacob G. Spring,	-	-	4,000 00	
				24,000 00

*Received 28th April 1847.*

1847.

Ap'l 23, Thomas Shanks, John T. Anderson, &c.	-	-		20,000 00
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*Received May 4, 1847.*

1847.

Mar. 31, Wm. N. Anderson and six others,	-	-		5,000 00
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1847.

*Received June 9, 1847.*

Mar. 31, M. Pendleton, &c.	-	-	2,000 00	
Ap'l 12, S. McD. Reid, &c.	-	-	5,000 00	
14, J. Jordan, &c.	-	-	3,000 00	
14, W. C. Lewis, &c.	-	-	1,000 00	
15, J. D. Davidson, &c.	-	-	1,000 00	
17, A. Cameron, &c.	-	-	1,000 00	
17, C. P. Dorman, &c.	-	-	1,000 00	
17, J. Gilmore, &c.	-	-	1,000 00	
17, D. B. Layne, &c.	-	-	5,000 00	
19, R. Pitzer, &c.	-	-	5,000 00	
May 1, W. H. Terrill,	-	-	10,000 00	
14, J. J. Allen and others,	-	-	10,000 00	
June 29, City of Richmond,	-	-	49,000 00	
				94,000 00
				\$ 250,000 00

The following is a copy of the form of the bonds above mentioned :

Know all men by these presents, that the James river and Kanawha company, and S. C. Robinson and Jos. J. Albright, are held and bound to the commonwealth of Virginia in the sum of ten thousand dollars: to the true payment whereof the said James river and Kanawha company binds itself and its successors, and the said S. C. Robinson and Jos. J. Albright bind themselves, their heirs, executors and administrators, jointly and severally by these presents.

Witness our hands and seals this 8th day of March 1847.

The condition of the above obligation is such, that if the gross amount of tolls upon the whole line of the canal between Richmond and Buchanan for five years, commencing three months after the said company's canal shall be completed and put in active operation from Lynchburg to Buchanan, shall fall below the average gross amount of two hundred and sixty thousand dollars per annum, then S. C. Robinson and Jos. J. Albright, the sureties to this bond, shall pay their proportionate part of such deficiency of tolls for the said five years, not exceeding the penalty of this bond, otherwise this obligation to remain in full force and effect.

{ SEAL.  
J. R. & K. CO. }

WALTER GWYNN,  
Pres. J. R. & K. Co.

S. C. ROBINSON, [Seal].  
JOS. J. ALBRIGHT, [Seal].



## COUNTY OF BOTETOURT, viz :

Personally appeared before the subscriber, a justice of the peace for the said county, S. C. Robinson and Jos. Albright, sureties to the within bond, who acknowledged the same to be their act and deed, and made oath that they the said sureties are worth double the penalty of said bond after the payment of their just debts.

Witness my hand and seal this 8th day of March 1847.

THOMAS SHANKS, J. P. [*Seal.*]

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## COUNTY OF BOTETOURT:

The undersigned, clerks of the county and superior courts of said county, do hereby certify, that to the best of their knowledge and belief the sureties to the within bond are and will be good and sufficient for the amount of the penalty thereof.

Witness our hands, this 10th day of March 1847.

FERDINAND WOLTZ,

*Clerk county court Botetourt.*

W. H. BOWYER,

*Clerk circuit superior court Botetourt co.*

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All of which is respectfully submitted.

By order of the Board of public works.

W. R. DRINKARD,

*Sec'y B. P. W.*

23d December 1852.



[DOC. No. XL.]

# INTERNATIONAL EXCHANGES.

1852-3.



**EXECUTIVE DEPARTMENT,  
DECEMBER 28, 1852.**

*To the General Assembly.*

**GENTLEMEN,**

I transmit herewith several communications received from Mons'r A. Vattermare, agent for international exchanges.

The secretary of the commonwealth informs me that M. Vattermare is mistaken as to the object of a visit to Paris by a professor of the Virginia military institute, referred to in his letter of 21st October—that it was merely the visit of a private individual, and had no connection whatever with the institute. And as to the loss of donations to M. Vattermare on the part of the state, that the donation from the Library stock alone was equal in value to upwards of \$2,400—that his letter giving intelligence of the loss conveyed no specific information as to what was saved, and consequently that the loss could not be repaired without a redonation of the whole amount.

**Very respectfully,**

**JOS. JOHNSON.**



PARIS, November 9th, 1852.

AGENCE CENTRALE DES ECHANGES INTERNATIONAUX,  
56, Rue de Clichy.

*His Excellency the Governor of the Commonwealth of Virginia.*

SIR,

The following is the continuation of the list of works presented to the commonwealth by several European states, which list was enclosed in my letter and report of October last to your excellency. Since the large case containing these offerings, I have received a number of other works, among which are medals, engravings, &c. These will be forwarded as soon as I shall have received an answer to my last letter, in which I beg for a list of the works wanted by the Military academy and the University of Virginia.

Next week I shall have the honor of addressing to you a copy of the circular letters and regulations of the Central agency for international exchanges in Holland, appointed lately by the government of that Kingdom, to be in permanent intercourse with our federal agency in Paris. I hope these interesting documents will reach Richmond before the adjournment of the general assembly, and that somewhat similar may be adopted for the more rapid diffusion of knowledge and international good will between the civilized nations of the two hemispheres.

I have the honor to be, with profound respect, sir,

Your excellency's very humble and obedient servant,

ALEXANDRE VATTEMARE.





CENTRAL AGENCY FOR INTERNATIONAL EXCHANGES,  
56 RUE DE CLICHY, PARIS.

Paris, November 18, 1852.

*To his Excellency the Governor of Virginia.*

SIR,

I have the honor of informing your excellency that a large case to your address, care of E. Irving, New York, containing the books, maps, charts, &c. destined to the state library, was placed in the hands of Messrs. Livingston, Wells & Co., to be shipped on board the next packet to New York. Allow me to tell you, sir, at the same time, that I have taken the liberty of sending a receipt of \$250, (being the amount of the sum granted last year for the annual expenses of our central agency for international exchanges, such as rent of office, clerk hire, traveling expenses, boxing, postage, freight, &c., &c.) to Mr. Ebenezer Chagre of New York, in order to save you the trouble of sending me a draft, as I asked by my last letter accompanying my annual report.

With the hope of receiving soon the intelligence of the safe arrival at Richmond of our case of European donations,

I have the honor to be, sir,

Your excellency's very humble servant,

ALEXANDRE VATTEMARE, *Agent*  
*of Virginia for International Literary Exchanges.*



PARIS, Oct. 21, 1852.

*His Excellency the Governor of the State of Virginia.*

SIR,

I have the honor of addressing to your excellency my annual report on the proceedings of our central agency and the progress on this side of the Atlantic of the system of international literary exchanges since my last report of October 1851. After having secured for our system the good will and hearty co-operation of the several departments of the executive, settling thus upon a permanent basis our scientific intercourse between France and America, and placing the administration of our central agency in the hands of Mr. Moreau, my sub-agent, I left Paris on the 11th of March last, for my first official visit as United States agent, to some of the Northern states of Europe. The first country I visited was the kingdom of the Netherlands. From the day of my arrival at the seat of the government, my mission met with the warmest sympathy on the part of the public authorities. Their majesties, the king and queen, not only gave their highest approbation of the system of exchange, but expressed the desire to co-operate their share to its success by personal gifts of scientific productions of Holland for the United States. And as the strongest evidence of his majesty's desire to perpetuate these enlightened and fraternal relations, the king has appointed your honored agent to be likewise the agent of the Netherlands. Then, following the advice given to me by his excellency Mr. Thorbecke, minister of the interior, I visited the principal cities of the kingdom, Delft, Leyden, Harlem, Amsterdam, Dordrecht, Rotterdam, Utrecht and Breda, for the purpose of initiating the citizens of those enlightened cities with the nature of my mission, and to invite them to unite their efforts to those of the government to give, by liberal contributions of the most valuable productions of their national genius, a strong testimonial of their appreciation of the system and determination to keep up this new intellectual commerce between them and the American people. This provincial visit was most successful, as its results were the adoption by public meetings held at Amsterdam, &c. of the following measures: "That a standing committee be formed in each city of the kingdom for the purpose of receiving the voluntary contributions (from public authorities, scientific establishments, authors, publishers, &c., in each locality) to the system of exchange, and that the government should be respectfully solicited to appoint a central commission at the seat of the government, whose duty would be to centralize all the transactions of exchange between the central agency of Paris and the local committees of the Netherlands."

The following translation of a letter from his excellency, the minister of the interior, dated April 17, 1852, will give you a more correct idea of the feelings of the government of Holland than anything I could say:

"I have been deeply interested, sir, in the information I have acquired of your persevering efforts, indefatigable zeal and personal sacrifices in establishing international exchanges of books and objects of arts and sciences. The favorable manner in which your communications have been received in this country shows how fully the public is disposed to enter into your views. Encouraged by the sympathy and interest which, I am glad to find, your devotion to the cause of the

republic of letters has everywhere elicited, the government will be enabled to add very much to what it has already done in favor of your enterprise. A considerable number of works published under its direction has just been collected to be added to those already placed at your disposal. This collection will be greatly enlarged by the contributions of learned societies and private individuals. In order to facilitate the exchanges and at the same time to show you how highly the government appreciates your laudable efforts to enable every nation to participate in the treasures of civilization, I have the honor, *in the name of the king*, to confer upon you, by these presents, the title and functions of agent of the Netherlands. You will see in this distinction a further means of securing the establishment of your noble and elevated object.

The Minister of the Interior.

(Signed)

C. THORBECKE."

But I did not confine myself with having established these relations with Holland. I thought that were I to extend them to the Dutch colonies of Java, Madura, &c., and secure the means of spreading among the people of those distant climes specimens of the intellectual power of the United States, and procure in exchange those of the present state of civilization, industry, commerce, navigation, &c. of this part of the globe, it would be of a particular interest just now to the American people. I obtained, while in Holland, the good will and promise of hearty co-operation from all those who have daily intercourse with those colonies to help me in implanting our system in that part of the West Indies. You will find, from the following extract of a letter from the minister of the colonies, that the government is quite disposed to second my efforts under this point of view.

SGRAVENHAGEN, April 24, 1852.

\* \* "Besides the above mentioned documents, I will forward you, through my colleague of the interior, a few copies of the chart of the islands and navigable waters of Java and Madura, with Dr. Junghuhn's work on Java, another copy of the reports relative to the Indian Netherlands for 1849, of the commerce and navigation of Java and Madura: in a word, we shall place at your disposal everything of this nature we shall be able to dispose of. From what precedes, I trust, sir, that you will be able to judge how highly I appreciate the importance of your enterprise and how anxious I feel to contribute to its success. It was prompted by the same feelings that I wrote by the last mail to the governor general of the Indian Netherlands, recommending especially your system to his particular attention, instructing him, at the same time, to call the serious attention and co-operation of the society of sciences and arts of Batavia.

The Minister of the Colonies.

(Signed)

J. PEECHUD."

Finally, the following letter I have received from the minister of the interior above mentioned will show to your excellency that the feelings for our system are continually increasing in the Netherlands:

"S'HAGEN, June 23, 1852.

SIR,

I have the honor of informing you that three cases, containing a series of works destined for international exchanges by the government of the Netherlands, will soon be forwarded to Paris. Herewith you will receive the catalogue of these works, which will enable you to judge of their importance. The Egyptian monuments from the archæological museum of Leyden, the maps contributed by the departments of the interior, war, navy and the colonies, (among others, the large general chart of the Indian Netherlands, by Baron Van der Felden Van Hinderstein,) the various statistics, the memoirs on the natural history of the Netherlandish possessions in India are worthy of your particular attention. The gift of 10 copies of this last mentioned work, at the price of 500 francs each copy, will be for you an additional evidence of our disposition to answer your appeals in the most liberal manner. In transmitting these contributions to your system, two of my colleagues have manifested the hope of obtaining other publications in exchange. The minister of colonies asks for three copies, if possible, of the latest maps and charts of the United States, as well as reports and descriptions of all the industrial enterprises relative to ways and means of communication in that country. The minister calls likewise your attention to the number of volumes wanted to complete his series of '*les documens du commerce extérieur*' you presented to his department during your last visit to La Haye. The minister of war requested me to inform you that it will be extremely agreeable to him to co-operate with all his might to your most useful enterprise, and to say that among the objects he is the most anxious to procure, he would point out the documents concerning the military expeditions published by the war department of France, particularly the '*Tableaux de la Situation des Etablissements Français en Algérie*,' promised by you, and all the documents printed by order of the French, American and other governments, relative to maps, plans and the military arts not to be purchased. I have not had the catalogue printed yet. I think it preferable to wait a little longer: the donations of their majesties have not been forwarded yet, and those I have received from learned societies and private individuals, to this time, are not numerous enough. At present, a printed catalogue would not answer your desire to give a just idea of your success in this country. I have therefore confined myself, for the present, with written catalogues only of works presented by the government. The rest will be part of the next transmission which will follow so much the sooner that I have just now appointed a central commission for international exchanges, composed of Messrs. Jaussen, president of the Netherlandish literary society, Holtrop, librarian of the Royal library of La Haye, and Backhuysen Van der Brink, one of the keepers of the state archives. We may rely upon the zeal and activity of this commission, and be assured that no trouble will be spared by its members to give a strong impulse to the complete realization of your system in our country.

The Minister of the Interior.

(Signed)

C. THORBECKE."

My visit to Belgium met with a similar reception on the part of the king and his government. A few days after my arrival at Brussels I had the honor of a long interview with his majesty, who expressed his highest approbation of the value and civilizing importance of the system, which his majesty took under his patronage and promised to co-operate with ardent zeal to its promotion in Belgium. All the executive departments, sympathizing with the king, placed at my disposal as many copies as they had to spare of documents, works of art and sciences, medals, prints, &c., for the purpose of exchanges with the United States. The royal academy of Belgium and all the public and private scientific establishments, and among others, the celebrated geographical establishment of Brussels, under the direction of its founder, Mr. Van der Maalen, have most generously brought their voluntary contributions to help in the promotion of this fraternal link I came to establish between this country and the United States of America. My visit to Liege, Gand, Louvain and Antwerp, the principal cities of that kingdom, was as successful as the one to the Dutch cities. The most flattering letters were addressed to me by the ministers of the several departments, encouraging my efforts and pledging themselves to support them with all their might. But I will confine myself with the following translation of a letter from the chairman of the joint committee on the library of the national legislature of Belgium :

"In acknowledging the receipt of the works accompanying your letter of yesterday, I cannot resist the want of expressing to you our feelings of gratitude and delight. The generous initiative of all the intellectual productions which you have taken will bear its fruits and have a most happy influence over the transactions, the esteem and friendship of nations that are as yet almost unknown to one another, and which the result of your mission is to bring in closer contact, and to unite more intimately together ; and it was by the perusal of the valuable documents you brought that we have acquired a true knowledge of the grandeur and noble genius of *your* country, as well as the immense merit and usefulness of these documents and publications. Please, sir, on your return to the United States, to say how highly Belgium appreciates them, and how honored and happy she feels at the establishment of this new link between her and the United States—a link which will be strengthened by time. From the readiness with which we presented to you all the documents we could dispose of, you have been able to see how anxious the house of representatives was to respond, in the most becoming manner, to your noble appeal. Receive, sir, the expression of our esteem.

The Questors of the Chamber of Representatives.

(Signed)

C. TRIEFAY."

The results of my official visit to the Netherlands and to Belgium, for the present, have brought more than 6,000 volumes to the stock of international exchanges and public usefulness, besides several hundred maps, a great number of fine engravings, medals, &c., (a large portion of which are destined to Virginia.) Not only this, but for the purpose of facilitating these international exchanges, the two governments have adopted the most liberal measures, not only for the admission, duty free, of all objects destined for international exchanges, but for their safe and immediate transmission to their respective destinations. In Holland, the minister of the interior appointed a standing commission for the pur-

pose; and, in Belgium, the secretary of the treasury has appointed one of the principal clerks of his department to receive and to transmit, free of all charges, for the interior of the kingdom, everything proceeding from the central agency of Paris destined for exchanges, and to transmit to said central agency all the returns to be made by the departments and scientific establishments of that kingdom.

From the success of the five months' excursion in these two kingdoms, your excellency may judge of what we have to expect of a long tour through all the great kingdoms and empires of Europe. You saw, by the appendix of my last report, that Switzerland, Sweden, and the universities of the grand duchy of Baden and of Wurtemberg, had already brought their liberal contributions to our system, and inscribed their names among the members of our great intellectual confederacy. It is but a few days ago that his excellency Count de Moltke, minister plenipotentiary of Denmark, honored our office with a visit for the purpose of informing me that his government acceded to the system; and, as an evidence of its desire to become a member of this peaceful association, his excellency presented me with a large list of Danish works, as his country's first contribution to the system of international exchanges.

As for France, whatever may be the political form of her government, she will remain as faithfully and favorably disposed to help the system, and always be one of the most liberal members and co-operators of our union; for, ever since 1841 to this present time, the voluntary contributions of her intellectual riches to the system, and, above all, those destined to America, have constantly increased; and even during her greatest trials, her liberality and readiness in giving the strongest proofs of her desire of strengthening our intellectual union, have remained as ardent as ever. And whatever may happen to my beloved country, the eloquent words of governor Fish, in his message transmitting my report to the legislature of New York in March 1848, in relation to the progress of the system, may be applied to any political event, when he says: "In the midst of the fierce commotion and conflicts which deluged Paris with blood, and worked a revolution in the government of France, the peaceful and benign operations of the system of exchange were never interrupted. The influence of this silent but efficient agency rose above the excitement and violence which overthrew a kingdom, and quietly pursued its liberalizing and beneficent designs."

From what precedes, your excellency sees that all the European governments, as well as scientific establishments and even private individuals, are ready to bring their voluntary contributions to the stock of common usefulness; and if Virginia is not already provided with all the intellectual wants of her citizens, it is only because there is no one in the state whose special business is to become acquainted with those wants, and to communicate them to our central agency in Paris. If your excellency will take the trouble of looking at the catalogue of the New York state library with the supplement from 1850 to 1852, you will appreciate at once the importance of having a committee or local agent to communicate those wants, as the regents of the University of New York (trustees of the state library) do. I therefore beg most respectfully of your excellency to be so kind as to propose the appointment of a special and standing committee, selected among professors or other gentlemen devoted to the cultivation or promotion of sciences, arts and knowledge, and whose business would be to become

thoroughly acquainted with the intellectual wants of the state as well as with the superabundance of local productions to be given in exchange for the same. Referring your excellency to my letter of June 29, 1851, in relation to the works transmitted to the Virginia military institute, and the most favorable disposition expressed by the department of war to place at my disposal all such elementary works, &c. useful to such an establishment, your excellency may judge of my astonishment and disappointment on hearing of a visit made by one of the professors of the military institute, (Mr. Preston, I believe,) in Paris, for the purpose of procuring by cash what was already, or might have been, obtained from the courtesy and good will of the French administration towards Virginia. In my last letter to your excellency, I took the liberty of mentioning the circumstance, begging, at the same time, for a list of the French works already in the military institute, to prevent my asking or transmitting works which may be already on the shelves of that institution. Having received no answer to this humble request, it is another evidence of the indispensableness of a standing committee or agency whose exclusive business would be to attend to such matters; the important engagements of the executive cannot allow its members to enter into all the detail required to carry on the international literary exchanges to the best advantage of the state.

The enclosed list of works destined this year for Virginia, is the best evidence of the anxious desire of Europe to see the continuation of these peaceful and intellectual relations established upon the strongest and most lasting basis. Your excellency will appreciate the feelings of Europe so much the more that since I left Virginia I have not been able to offer the continuation of the works and documents of which I presented the first volumes, and that two-thirds of the liberal contributions of Virginia publications, such as the laws, reports, statutes, legislative documents, &c., entrusted to me, were lost on the coast of England in 1850, on board the *Oneida*. The honorable secretary of the commonwealth, General Richardson, was kind enough, in a letter dated November 7, 1850, to assure me that everything would be done on the part of the commonwealth to help me to repair this great loss. But since this nothing reached me. During my official visit in Belgium and Holland, a gentleman, Mr. London, I believe, made the proposal, in the name of the state, for me to propose the exchange of a statue of Washington, by a Virginia artist, for the sculptures of Athens. As I was not there, my agent exhorted Mr. London to be kind enough to communicate to me, by writing, his desire. But this invitation was not complied with. I regretted very much not to have had the honor of seeing Mr. London, for I have no doubt that if these sculptures waited had been at the disposal of the government, they would have been easily procured; for a cast of the statue of Washington is very much desired here; my intention being to have the great and noble Father of his Country placed in the centre of our American library of the city of Paris. Allow me, sir, to make an appeal to the liberality and patriotism of the executive, to enable me to have the alcove of the Old Dominion as well provided as possible with all the intellectual productions of Virginia. Let me remember to them the enthusiasm with which my first appeal was met, particularly on the part of the young men of the University, whose liberal donations and patriotic resolutions have set an example to be followed by all the members of your great confederation. Unfortunately these donations were lost with the rest on board the



Oneida. Among the most valuable works in the enclosed list, I would particularly call the attention of your excellency to Mr. Caillaud's "*Voyage a Meroe et au fleuve Blanc*," 5 volumes 8vo., and 2 folio atlas, containing 150 engravings, illustrating the monuments and ruins of this ancient Ethiopian metropolis and neighboring countries of this portion of Egypt. This most liberal contribution, made by the author to help the realization of our system, was accompanied by a letter, of which the following is an extract:

"NANTES, December 1, 1851.

"Sir, to spread abroad, but particularly among the American nation, the fruits of our voyages and discoveries, with our industry and science, is truly, as you have already so generously done, enlarging the sphere of human knowledge among nations. I am happy to offer you, for my humble part, copies of my "*Voyage a Meroe et au Fleuve Blanc*," the result of a mission under the burning sun of Africa, (already visited by me during three years of scientific exploration,) having penetrated to the 10th deg. of north latitude, and explored 600 miles above the place where our glorious French expedition stopped, discovering a great number of monuments and other remains of the ancient civilization of Egypt."

Mr. Caillaud asks in return any work or specimen of natural history, sciences, &c., and particularly of fossil zoophytes, conchylology, that may be spared, for the museum of natural history of the city of Nantes, (his native place,) of which he is the founder and director.

I shall mention also the continuation of the great map of France and the 9th volume of "*Le Mémorial du Dépôt de la Guerre*," presented by the minister of war to your military institute. The series of valuable works and documents presented by the Belgian government, particularly those relative to statistics, agriculture, industry, public health, &c., for which Belgium excels, will be consulted with lively interest by the economists and statisticians of Virginia. The donations of the government of the Netherlands will certainly meet with a cheerful welcome, not only for their intrinsic value, but, and above all, on account of the fraternal feelings and international courtesy with which they are presented. I have likewise to present to your excellency, in the name of the government of Switzerland, the six first volumes of legislative documents published since the new constitution of this republic is in force. All these are the results of the labors of our central agency during this year. They might have been much more fruitful had I received the continuation of the works granted by the 4th resolve of the general assembly of April 5, 1848—and above all, if I had had some one with whom I should have had a regular and permanent intercourse.

The continuation of the "*Archives du Museum d'Histoire Naturelle*," is destined to the University of Virginia, to which I presented the first volumes in the name of the minister of Public Instruction. In transmitting the same, may I take the liberty of begging your excellency to express to the president my sorrow for not having received a reply or acknowledgment to the several letters and transmissions I had the honor of addressing to him or to Mr. Schele de Vere a few days before and since I left America. This silence prevailed over my ardent desire of serving the intellectual interests of this most learned and patriotic establishment, as I might perhaps have been able to do, had I received with the reply a list of its scientific wants. I have the hope that these results, however small, of my efforts as the honored agent of Virginia, will meet the approbation

of the executive and general assembly, who will, I trust, consider them as mere harbingers of what may reasonably be expected from the system of exchanges the moment its principles will have been universally acknowledged by all the nations of the two hemispheres, and measures adopted, such as those in Europe and in several states of the Union, to secure the permanency, and hence to draw all the advantages promised by this blessed and peaceful confederation of nations. Begging of your excellency to accept for yourself and for the general assembly the expression of my profound respect and lasting gratitude for the kindness, the liberality and proverbial hospitality with which I was treated by all during my visit to Virginia, and while its honored agent,

I have the honor to be, Sir,

Your Excellency's very humble serv't,

ALEXANDRE VATTEMARÉ,

*Agent of Virginia for International Exchanges.*

P. S. Will your excellency be so kind as to secure the annual appropriation of \$250 for the expenses of the agency as paid last year to Mr. Thayer of New York? Your excellency's draft on the auditor of the commonwealth will be easily negotiated in Paris.

## LIST OF BOOKS, MAPS, CHARTS, ETC.

*Presented to the Commonwealth of Virginia in the name of the Governments of France, Belgium and the Netherlands, through Alexander Vattemare, Agent of the Commonwealth for International Exchanges, during the year 1852.*

## FROM FRANCE.

1. *Journal d'Agriculture Pratique et de Jardinage*; being the continuation of *La Maison Rustique*, already presented: the most important agricultural work published in Europe, considered as the archives of all discoveries, of all improvements in the French agriculture; from 1844 to 1849, inclusive. 6 8vo. volumes. Presented by M. Duaneq.

2. *L'Agriculture Allemande*; its Schools, Organization, Habits, &c. Published by order of the minister of commerce and agriculture. By Royer. 1 vol. 8vo. Presented by the minister.

3. *L'Apiculteur*, (the Bee Master.) By M. De Beauvoys. 1 vol. 8vo. 1851.

4. *Annales de la Société d'Horticulture de France*, 1851 et 1852. 2 vols. (to continue the series already presented.)

5. *Annales de l'Institut Agronomique*, 1851; a series of Notices, Remarks and Researches relative to Agriculture, &c. Juin 1852. 1 vol. 4to.

6. *Annuaire des Eaux de la France pour 1851*; giving an analysis of the waters of France. Published, by order of the minister of agriculture and commerce, by the special committee appointed for the purpose. 1851. 1 vol. 4to.

7. *Du Delta du Rhone*, and its improvements by means of the cultivation of rice. By Hippolyte Pons. 8vo. 1848.

8. *Rapport sur l'Emplacement des Halles* (public markets) of Paris. June 1851. 4to. with plates.

9. *Statistique Civile et Criminelle de France*, in 1849. 2 vols. 4to.

10. *Tableau Général du Commerce de la France, avec ses Colonies et les Puissances des Etrangères*. 1851. 1 vol. folio.

11. *Tableau du Mouvement du Cabotage* (coast trade) de la France. 1851. 1 vol. folio.

12. *Voyage à Meroe et au fleuve Blanc au delà de Fazolq, dans le midi du Royaume de Sennâr, à Syonah, et dans cinq autres oasis, fait dans les années de 1819-'20-'21 et 1822*. Par Frédéric Caillaud de Nantes. Paris. 1823. 4 vols. 8vo, with two atlases folio, containing 150 plates. Presented by the author.

13. *Statistique de l'Industrie à Paris*: the most complete work of this nature ever published; giving, in the smallest details, all the verified facts concerning the industry of the French metropolis, composed of 335 establishments. Besides the national manufactures of tobacco, the Gobelins, the national printing office, the army, hospitals and prisons, bakeries, &c., three hundred persons were employed under the direction of Mr. Horace Say, the celebrated economist, to prepare the materials for this most valuable publication. A folio volume, 1008 pages. Published by the chamber of commerce of Paris, 1851, and presented to the commonwealth by the minister of the interior.

## FROM THE NETHERLANDS.

14. *Précis Historique des Opérations Géodésiques et Astronomiques faites en Hollande pour servir à la Topographie de cet Etat.* By Lieut. Gen. Baron Krayenhoff. La Haye, 1827. 1 vol. 4to.

15. *Les principaux Tableaux du Musée Royal à La Haye; 100 outline engravings of the best pictures in that celebrated gallery.* 4 vols. 8vo.

16. *Proere over der Zamenstelling eener Algemeene Nederlândish Geschiedenis; an Essay on the Composition of Universal History of the Netherlands.* By M. G. Green van Prinsterere Hagen. 1830. 1 vol. 8vo.

17. *Bydragen tot de Beverking van de Geschiedenis der Netherlands; Memoirs relative to the Composition of a History of the Netherlands.* By Prof. John Royaards. 1830.

18. *Verslag der Nasporingen, &c.; Reports on the Investigations concerning the most ancient use of Stereotype Printing, made at the request of the government.* By Baron de Westreenan de Tullandt. Hagen. 1833. 1 vol. 8 vo. (French and Dutch.)

19. *Recueil de Pièces relatives à la Liberté illimitée du Commerce des Grains.* Publié par ordre du Roi. La Haye. 1823. 1 vol. 8vo.

20. *Besluiten van de Staten Generaal; Resolutions of the General States, from 1576 to 1577, time of the Declaration of Independence of the United Provinces of the Netherlands.* Collected together, &c. by J. O. De Yonge. 2 4to. vols.

21. *Christiana Hugonis Aioramque Seculi XVII; Mathematical and Philosophical Exercises,* by C. Huyyens and other celebrated men of the 17th century. Published from the original manuscripts in the library of the University of Leyden. By P. John Uytenbroek. 1823. 4to vol.

22. *Annales Academici, 1837-1840.* La Haye. 1840-42. 3 vols. 4to. (Annals of the Academies of Leyden, Utrecht, Groning, Amsterdam, &c.)

23. *Report on the Public Schools in the Kingdom of the Netherlands, from 1816 to 1845.* 20 vols. 8vo.

24. *Voyage en Circassie.* Par le Chev. Taibout de Marigny, consul de sa majesté le roi des Pays Bas à Odessa et Simpheropol. 1836.

25. *Coup d'oeil sur la Navigation du Rhin.* Par M. Op den Hoef. Amsterdam. 1826. 1 vol 8vo.

26. *La Revolution de la Belgique et les Evenements de Bruxelles.* Septembre 1830. 1 vol. 8vo. La Haye. 1830.

27. *Memoirs concerning the Duchy of Limbourg.* 1842.

28. *Recueil de Pièces relatives aux Affaires de la Hollande et de la Belgique en 1830, 1831 et 1832.* La Haye. 1833. 3 vols. 8vo.

29. *A General Map of the Kingdom of the Netherlands; prepared and published in 1816, by G. Muller; acquired by the government and augmented and corrected at the topographical archives of the war department; republished in 1838.* 24 sheets.

30. *Topographical Map of the Kingdom of the Netherlands.* Scale, 15,000. 5 sheets. Presented by the minister of war of the Netherlands.

## FROM BELGIUM.

31. Statistique de la Belgique: Population et Mouvement de l'Etat Civil de 1830 à 1851. 12 vols. folio. Published by the department of the interior.
32. Statistique de la Belgique: Industrie, Recensement Général. 1 vol. folio. 1851.
33. Statistique de la Belgique: Agriculture, General Census, exhibiting the state of Agriculture in the kingdom of Belgium in 1846. Published by the minister of the interior. 6 vols. large folio. Bruxelles. 1850.
34. Statistique de la Belgique: des Naissances dans la ville de Bruxelles. By M. X. Heuschling, secretary of the statistical central committee. 4to. p.
35. Statistique de la Belgique: Recensement Général, (population,) Report on the 1845. By the same.
36. Aperçu des Principales Publications Statistiques faites sur la Belgique depuis l'incorporation de ce pays à la France, 1794, jusqu'à ce jour. 1845. 4to. pamphlet. By the same.
37. Statistique du Royaume de Bavière. By the same. 4to. p.
38. Essai sur la Statistique Générale de la Belgique. By the same. Bruxelles. 1844.
39. Biographie Historique de la Statistique en Allemagne, avec une Introduction Générale. By the same. Being a preparatory manual for the study of statistics. Bruxelles. 1845.
40. Biographie Historique de la Statistique en France. By the same. Bruxelles. 1851.
41. Nouvelle Table de Mortalité de la Belgique. By the same. Paris. 1851.
42. De la Réforme des Impôts en Belgique. By the same. Bruxelles. 1844.
43. De l'Impôt sur le Revenu: Nouvelles Considérations. By the same. Bruxelles. 1848. 8vo. p.
44. Des Impôts dans leur Rapport avec l'Agriculture. By the same. 1849.
45. De l'Influence Paludeuse sur la Santé et la Durée de la Vie. By the same. 1849.
46. Recherches Bibliographiques sur les Prognostics des Temps. By the same. 1849.
47. Notice Biographique sur Guillaume B. Croan, auteur du plan de la bataille de Waterloo, &c. By the same.
48. Le Baron de Reiffenberg, (notice bibliographique.) By the same. 1850.
- 49 to 65. A series of reports, memoirs, &c., relative to railroads in Belgium. 19 folio volumes, with a great number of maps, plans, &c.
- 66 to 71. A series of publications relative to public health.
- 72 and 73. Practical Instructions for the Construction of Sewers. 1850-52. 2 pamphlets.
- 74 to 82. Publications relative to the industry in Belgium and patent rights. 1848-51.
- 83 to 88. Reports, laws and instructions relative to public education in Belgium.
89. Etablissement et Exploitation d'un Abattoir Public, (slaughter houses,) à Ixelles. 1850.
90. De la Police des Décès et Inhumations. Bruxelles. 1843.
91. Congrès des Economistes, réunis à Bruxelles, for 1847.
92. Tableau Statistique à l'Appui du Projet d'Organisation d'un Service Medical Rural.
93. De la Vente des Medicaments en Belgique. Report by Dr. Sauveur. Brussels. 1846.
94. Fermes Hospices des Deux Flandres. Par M. Duquetioux. 1845.
95. Notices sur les Moyens de Soulager les Classes Ouvrières et Spécialement sur les Institutions qui ont pour objet la Distribution et la Vente de Céréales de Premier Nécessité. 1847.

96 and 97. Ecoles de Réforme de Ruysselede. Report made by the minister of justice. April 1848-51. 2 vols. folio.

98. Projet d'Association Financière, pour l'amélioration des habitations et l'assainement des quartiers habités par la class ouvrière a Brussels. With 20 plates. By M. Dupetieux. 1846.

99. Des Institutions de Prévoyance et des Sociétés de Secours Mutuels.

100. Des Moyens d'Utiliser les Engrais, (manure,) qui se perdent dans les grands centres de population. By J. P. Schmid, architecte. With 11 plates. 1850.

101. Traité Elémentaire d'Art Militaire et de Fortification. Par M. Gay de Vernon. 2 vols. with plates. (For the Military Institute.)

102. Catalogue Systematique de la Bibliothèque de la Chambre des Représentants. Brussels. 1844-51. 3 vols.

103. Annuaire de l'Académie Royale des Sciences, Belles Lettres et Beaux Arts de Bruxelles, from 1846 to 1852. 7 vols. 8vo.

104. Dictionnaire des Hommes de Lettres, des Savants et des Artistes de la Belgique. 1 vol. 8vo. Bruxelles. 1837.

105. Nouvelle Economie Sociale ou Monautopole Industriel, &c. By J. M. B. Jobard. 1844.

106. Organon de la Propriété Intellectuelle. By the same. 1851.

107. Notice sur un Systemè de Ponts et Fonte a Tublier Suspensue. With plates.

Pressed by the mail, I am interrupted in this rough copy of the European donations, which I intended to have copied over, but my clerk was taken suddenly seriously sick about an hour ago. I therefore beg respectfully of your excellency to forgive me for this miserable scrawl, done in the greatest hurry. By the next mail I shall have the honor of addressing to your excellency the continuation of the list of books, maps, &c.

A. VATTEMARE.

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*Continuation of the List of Books, &c. presented to the Commonwealth, transmitted in October last.*

l'Injustice et du Danger de ne pas respecter la Volonté des Fondateurs. 8vo. Brussels.

111. De l'Existence Légale des Institutions Charitables créées par des Particuliers et de 1849.

112. Des Causes Conditionnelles et Productives des Idées. Par J. H. Tissot. Paris. 1846. 8vo.

113. Du Spiritualisme au 19me Siècle. Par L. A. Gruyer. 8vo.

114. Les Rues de Bruxelles Debaptisées par ses Ediles en l'an 111, l'an 6 de la République, et Rebaptisées par leurs Successeurs en 1806 et 1851. Par Ch. Chenadallé. Bruxelles. 1851. 12mo.

115. Des Rapports Politiques et Commerciaux de la Belgique et de la France. Par Jetttrand. Bruxelles. 1841. 8vo.

116. *Notre Frontière Nord-ouest, Excursions pendant les Vacances. Août 1843.* By the same. 12mo. Bruxelles. 1843.
117. *La Nouvelle Constitution de New York pour 1847.* Par l'Avocat Jottrand. Bruxelles. 1847. 12mo.
118. *Les Eglises d'Etat, Dernière Cause d'Intolerance, Exemple tiré de la législation du Canton de Vaud.* By the same. Bruxelles. 1849. 8vo.
119. *Apropos de la Société des Gens de Lettres.* Belges. Bruxelles. 1849. By the same.
120. *Des Avocats en Belgique.* By the same. Bruxelles. 1850. 12mo.
121. *Statistique Commerciales: Instructions Générales pour les Entrepreneurs et les Recenseurs.* Bruxelles. 1841. 4to.
122. *Le Monautopole, ou Code Complémentaire d'Economie Sociale.* By M. Jobart. Bruxelles. 1845. 8vo.
123. *Le Musée Populaire de Belgique, institué par Arrêté Royal, du 24 Décembre 1848.* Large folio. A series of 42 engravings, colored, &c., illustrative of religious, historical and picturesque subjects. Published by order of the government.
124. *Illustrated Popular Songs, (in French and Flemish languages.)* Folio.
125. *Large plan of the city of Bruxelles.* 4 sheets.
126. *Topographical chart of shores on the Schelde river and the canal of Ghent.* 1833.
127. *A map (profile) from Dieren to Schieden, (Germany.)* 1850.
128. *A map of the province of Brabant, with 18 views.* Folio.
129. *A plan of the citadel of Antwerp; besieged by the French army under Field Marshal Count Gerard: surrendered on the 23d December 1832.* Folio.
130. *Principal dispositions of attack of the citadel of Antwerp on the 23d of December 1832.* Folio.
131. *A map of the kingdom of Belgium.*
132. *Historical, Statistical and Ethnographical map of the Hungarian, Slavonian, Molda-Wallachian and German countries of the Austrian empire involved in the last war. 1849-50.* By Baron Bourgoing, late minister in Russia and Germany.
133. *On Patent Laws in Belgium.*
134. *Inspection des Chemins Vicinaux, (adjoining roads.)*
135. *Cours d'Agriculture.* Par le Comte de Gasparin. (The fifth volume; the four first are already in the state library.)
136. *Traité des Magnaneries, (a treatise on the cultivation of the mulberry trees and silk worms.)* Paris. 1848.

## FROM THE FEDERAL GOVERNMENT OF SWITZERLAND.

137. Feuilles Fédérales, 1848-50. 6 vols. 8vo.

138. Recueil Officiel concernant le Droit Public de la Suisse. 1848-50.

*The following Letter accompanied the above Volumes:*

PARIS, September 23d, 1851.

I have the honor to acknowledge the receipt of the works mentioned in the enclosed list, which you have presented in the name of Congress and several states of the American Union to the Swiss Confederation.

The federal council of Switzerland has accepted them with great pleasure, and beg of you, sir, to be the interpreter of its gratitude towards the United States as you have been that of their liberality.

On its side, the council has instructed me to deliver to you, for the purpose of presentation to those generous states, the accompanying volumes, relative to the legislation, administration and statistics of Switzerland.

The feelings of Switzerland for the United States of America are so profound that my government has embraced with readiness this new occasion of extending its relations with them, and of securing for Switzerland better means of knowing and appreciating institutions which, like our own, are based upon the sovereignty of the people and the patriotism of the citizens that renders it fruitful.

I hope that this first exchange is but the beginning of relations which I will esteem myself happy to second with all my efforts.

(Signed,)

BORMAN,

*Charge d'affaires of the Swiss Confederation in France,*

*At Paris.*

A. VATTENARE, Esq. *Paris.*







[DOC. No. XLI.]

# STATEMENT

RELATIVE TO

**THE SECURITIES**

UPON WHICH THE

INDEPENDENT BANKS IN THE STATE ARE BASED.

1852.



# STATEMENT.

*To the Honorable the Speaker  
of the House of Delegates.*

Sir,

In response to a resolution adopted by the house of delegates on the 23d inst., requesting me to communicate to that house "whether any independent bank, and if so, what bank or banks are based on stocks guaranteed by the state, on which the state pays interest, and the amount of said stocks so used as securities for banking," I have the honor to submit the following statement:

Only two of the independent banks chartered by the general assembly have gone into operation, and they are "The Manufacturers and Farmers Bank" at Wheeling, and "The Bank of the Old Dominion" at Alexandria.

The Manufacturers and Farmers Bank commenced operations with a capital of \$150,000, which has subsequently been increased by the additional sum of \$60,000, making the entire capital stock of said bank at present \$210,000 00

Of which there are guaranteed bonds of the Chesapeake		
and Ohio canal company for	-	6,000 00
And Virginia 6 per cent. state bonds, amounting to	-	204,000 00
		<u>\$210,000 00</u>

The Bank of the Old Dominion commenced operations with a capital of		
\$200,000, which has been subsequently increased by the additional sum of		
\$62,600, making the entire capital at present	-	\$262,600 00
		<u>\$262,600 00</u>

Of which there are guaranteed bonds of the Chesapeake		
and Ohio canal company for	-	56,500 00
Of the James river and Kanawha company for	-	28,250 00
Of the Richmond and Danville railroad company for		17,500 00
Of the common council of Alexandria and the Alexandria canal company,	-	15,000 00
And Virginia 6 per cent. state bonds, amounting to		145,350 00
		<u>\$262,600 00</u>

Very respectfully,

Your ob't serv't,

RO. BUTLER, *Treas'r.*

*Treasurer's Office, 28th Dec. 1852.*



[DOC. No. XLII.]

**RESOLUTIONS**

**OF**

**MR. GOODE OF MECKLENBURG,**

**RELATIVE TO**

**THE STATE DEBT.**

**1852.**





## RESOLUTIONS.

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**Resolved, That the bonds of the state and certificates of registered debt of the state held by the Board of public works and by the president and directors of the Literary fund, constitute a part of the debt of the state, and impose obligations on the commonwealth to be faithfully observed and sacredly redeemed.**

**Resolved, That subscriptions actually made by the Board of public works, acting under authority of law, to stock of joint stock companies, organized for the construction of works of internal improvement, impose on the state an obligation to pay the amount of the subscription, and constitute a part of the debt of the state.**



[DOC. No. XLIII.]

# COMMUNICATION

FROM

**THE PRESIDENT**

OF THE

JAMES RIVER AND KANAWHA COMPANY.

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**CALLED FOR BY RESOLUTION OF HOUSE OF DELEGATES.**

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**1852-3.**



## OFFICE JAMES RIVER AND KANAWHA CO.

DECEMBER 30, 1852.

SIR,

In compliance with the request contained in the resolution of the house of delegates adopted on the 29th instant, I have the honor to make the following communication, responding to the several enquiries in the order in which they are propounded.

1. I transmit herewith a statement prepared by the secretary of the company, showing the precise amount of interest due on the company's debts, as specified, and payable on the 1st day of January and the first of July next. The several items constituting the indebtedness of the company will be found enumerated in a petition which I had the honor to submit to the general assembly under date of 16th day of January 1852, to which must be added a debt to the state of Virginia for a loan of one hundred and twenty thousand dollars under the act of June 5th, 1852.

The statement distinguishes the amounts of interest payable into the treasury, on debts due to the state, on those debts the interest of which the state is bound to pay to bond or scrip-holders from the treasury, and on bonds of the company guaranteed by the state and payable by the terms of the bonds at the company's office to the bond-holders.

2. The company will have on hand on the 1st day of January next no money applicable to the payment of the annuity to the old James river company, or to the interest on the company's debts, which will fall due on that day. This condition of the company's affairs was anticipated and communicated in the 17th annual report to the stockholders, and was fully stated in the petition to the legislature already referred to. In regard to the interest which will fall due on the 1st day of July next, I am unable to do more than repeat what I have already stated in my official communications which are before the legislature, and express opinions on estimates of probable future income. The loan made by the act of June last was not sufficient to pay the amount of interest, and the deficiency was made up by the application of money intended for the construction of the Tidewater connection. The work on that part of the company's improvement has not been suspended, and the monthly estimates have been paid from the general income of the company. In view of the great importance of the work, and the fact that in an unfinished state it will be useless to the public and unproductive to the company, while if finished it would greatly facilitate trade, and produce, it is believed, an annual income of not less than fifty thousand dollars, in addition to the other revenues of the company, it is probable that the board of directors will continue to apply the general income of the company to the prosecution of this important work, unless it shall be the pleasure of the general assembly to direct otherwise.

The ability of the company to meet the semi-annual interest and annuity due on the 1st day of July, will depend on the disposition made of this question. If it be the pleasure of the legislature to make the provision for the payment of interest to the amount of one hundred and eighty thousand dollars asked for, and to afford the aid for the completion of the Tidewater connection, for which a petition is now before that honorable body, I am still of opinion that the company will be

able to complete that work in the year 1853, and to meet the interest and annuity due on the 1st day of January and on the 1st day of July next. My reasons for this opinion have already been fully stated in official papers now before the legislature. As all such estimates must be conjectural, reliance on their accuracy depends on the data on which they are predicated. The estimates submitted in my report to the stockholders, of November 24th, 1851, were less favorable to the company than the actual results of receipts and disbursements were found to be. On the same data I made my estimate which was submitted in my report of the 25th October last, and I still believe that the results will be equally favorable. The actual receipts of the months of October and November of tolls on the canal from Richmond to Buchanan are known, and enough is known of those of the current month of December to show that the receipts for the first quarter of the current year will exceed those of the corresponding months of the last preceding fiscal year by more than fourteen thousand dollars. In my estimate of the probable receipts of the current year, I calculated on a gross revenue from the company's works, &c. of \$345,000, or an increase of thirty-eight thousand and sixteen dollars and seventy-six cents. If the ratio of increase established by the first quarter shall be maintained through the year, it will be perceived that the results will be as satisfactory this year as they were the last.

3. The resources of the company applicable to the payment of the next July installments of interest and annuity mainly depend on the current receipts of the company from tolls and rents on its productive works. There are due to the company debts which will, I believe, be ultimately paid, and form a part of its general income, but the period of payment I do not feel justified in anticipating with any degree of confidence. They consist of a balance of a judgment against the estate of Wm. B. Chittenden, dec'd, and a debt due to the company from Gen. James Hamilton. The nett aggregate of principal and interest will not fall short of \$100,000. There is also due an arrearage of tolls on the Kanawha river, of which more than twenty thousand dollars may be expected in the course of this and the two next fiscal years.

There are some lots and parcels of land, at different points along the line of the canal and the Tidewater connection, which have been purchased generally under the advice of the board of assessors, and to avoid expensive and litigated condemnations. This property is not held for the general purposes of the company, but was paid for out of the appropriations for the specific works, in lieu of assessed damages, and will be sold when the works are so far completed as to make it judicious to sell, and the proceeds will be applied to the objects for which the money used in payment was appropriated. The value of these lands I cannot state with confidence, but suppose that the sales when made will probably exceed fifteen thousand dollars.

4. The resources of the company to be relied on are from its tolls, which now exceed \$300,000 per annum, and I feel confident that these resources have not been under estimated, either for the present or the future. This opinion is based on the fact that the revenue of the company from this source amounted in the year 1842, when the canal was completed to Lynchburg to 99,513 93 And in 1852, when completed to Buchanan, and the second division was in use for only a portion of the year, to 269,210 81

Showing an increase of	-	-	-	-	<u>\$169,696 88</u>
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The documents are already before the house which show that this increase has been steadily progressive. I see no reason to doubt that the completion and stability of its works will lead to diminished expenses; and the extension of its line, with new feeders, daily swelling the bulk of its freight, will largely increase the company's revenue.

I have the honor to be,

Most respectfully,

Your obedient servant,

J. Y. MASON,  
*Pres't J. R. & K. Co.*

OSCAR M. CRUTCHFIELD, Esq.

*Speaker of the House of Delegates.*





OFFICE J. R. & K. Co.  
Richmond, Dec 29, 1852.

SIR,

The aggregate amount of interest, including the annuity debt, due and payable on the first days of January and July next, is as follows:

Due and payable to the commonwealth:

Annuity to the old James river company,	-	-	10,500 00	
Interest on bond of March 25, 1842,	-	-	7,500 00	
" " Feb 24, 1845,	-	-	8,059 36	
" state stock under act of March 1, 1847,	-	-	37,080 00	
" " " Jan. 25, 1850,	-	-	3,300 00	
" " " June 5, 1852,	-	-	3,600 00	
			<hr/>	70,039 36

Due and payable on bonds guaranteed by the state:

Interest on bonds issued under act of March 23, 1839,	-	-	42,000 00	
" " " " 9, 1849,	-	-	10,500 00	
" " " " 12, 1849,	-	-	4,500 00	
" " " " 15, 1850,	-	-	10,800 00	
			<hr/>	67,800 00

Total, - - - \$ 137,839 36

Yours, very respectfully,

WM. P. MUNFORD,  
*Secretary.*

To JOHN Y. MASON, Esq.  
Pres't J. R. & K. Co.



[ DOC. No. XLIV.]

**PREAMBLE AND RESOLUTIONS**

**ON THE**

**SUBJECT**

**OF**

**THE PUBLIC LANDS.**

**1852-3.**



PREAMBLE AND RESOLUTIONS.

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Whereas the public lands were originally ceded to the United States for the purposes of general harmony and as a trust fund to meet the expenses of the revolutionary war; and whereas, in the deeds of cession made to the states of Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina and Georgia, it was expressly provided, "that as soon as the war debt should be paid off, the public lands should be bona fide disposed of for the use and benefit of such of the United States as had become or should become members of the then existing confederation, and for no other use or purpose whatever; and whereas the object for which they were thus ceded having been long since accomplished, they may now be considered as relieved from that pledge; and whereas millions of acres of public lands have been since acquired by the joint blood and treasure of all the states of this Union, and have thereby become the common property of all the states; and whereas it is evident from the past action of congress in granting away large quantities of these lands to the states in which they lie, (thus perpetrating wrong and injustice on the old states, the original owners thereof,) that the public lands will either be given away to the states in which they are situated, or so disposed of as to cease to be a source of revenue to the general government; and whereas the constitution confers upon congress power to dispose of the territory or other property of the United States, and in the language of the late President Jackson, "it is in the discretion of congress to dispose of them (the public lands) in such way as best to conduce to the quiet, harmony and general interest of the American people;" and whereas a bill known as "Bennett's Bill," providing for the distribution of *land warrants* among all the states, passed the lower house of congress at its last session and is now pending in the senate, which bill, if it should become a law, "*would* conduce to the quiet, harmony and general interest of the American people:" Therefore,

Resolved by the general assembly, that our senators in congress be instructed and our representatives requested to use all proper exertions to secure a final passage by congress of the bill known as "Bennett's Bill," or any similar measure.

Resolved, that the governor of this commonwealth be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in congress.



[DOC. No. XLV.]

REPORT

OF

THE JOINT COMMITTEE

ON

THE LIBRARY.

1852-3.

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920



# REPORT.

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The joint committee of the senate and house of delegates appointed to examine the state library, to receive the report and settle the accounts of the librarian, have performed that duty, and present the following report of the operations of the library for the year ending the 31st December 1852:

On the 1st day of January 1852 there was an unexpended balance of	
the library fund, of	- - - - - 4,541 17
And of the last appropriation to the library of the court of appeals at	
Lewisburg,	- - - - - 52 41
And there has been received from sales of books,	- - - - - 4,193 10
Amounting together to	- - - - - <u>\$ 8,786 68</u>

Which has been applied:

To the purchase of books, and incidental expenses,	- 1,640 26
Leaving an unexpended balance on the 31st Dec. 1852, of	<u>7,146 42</u>
	<u>\$ 8,786 68</u>

Which appears fully at large in the report of the librarian and the account of receipts and disbursements herewith submitted.

This, the largest balance ever before on hand, and now to be invested, requires an addition of room to the library, the want of which has limited the purchases of the past year; and as that can only be obtained by extending the library so as to include the old council chamber, it is recommended to add that apartment to the library. If this be done, the committee will cause the law library to be removed into it. This will promote the convenience of the judges, and afford other requisite accommodations; and it is recommended that in future the law library at Lewisburg be kept up out of the state library fund.

The committee, upon the termination of service of the officer who has had charge of the institution from its foundation, considers it proper to present a brief statement of its condition at this time. The state library, confessedly one of the best selected and most valuable of its extent in this country, has cost about \$ 40,000. The value of the book-selling stock, from which the library fund is derived, is \$ 43,541 50, as per balance sheet marked B; and the amount of cash on hand for investment is \$ 7,146 42. The extent and value of the library—increasing as it is from year to year, the very important duties involved in its preservation, and in the extensive sales and purchases of books, requiring much experience and accurate knowledge of the book trade, foreign and domestic—absolutely require the services of an able and experienced state librarian, as has been heretofore recommended. It will not in fact be creating a new office, but merely the separation of two overburthened and incompatible offices. Nor need it encroach upon

the treasury, since the library fund is amply sufficient to fulfill the purposes of its creation and to pay the salary of the librarian besides.

The committee have ascertained that the duties of librarian were assigned ex officio to the late incumbent before the library was put into operation, with the double object of economy and of obtaining an officer who, whilst he possessed the requisite qualifications, might be relied upon to enforce the regulations indispensable for its preservation, but with the expectation that when it reached an extent to require it, a state librarian would be appointed; and it is the opinion of the committee that the duties of the office have been discharged with strict integrity, fidelity and impartiality. But in the progress of affairs there had come to be an accumulation of the duties of three several departments upon the same officer, to which, from their nature and extent, it appears to the committee, from his own information, he has found it impossible for some time past to do full justice. First, as secretary of the commonwealth; next, ex officio librarian, and then as adjutant general, without the addition of a single clerk. And while this multiplication of offices has effected a considerable annual saving to the state, the officer was greatly overtasked. It appears to the committee that for many years before the constitution of 1829-'30 was adopted, there had been allowed three clerks for the business of the executive alone, and that the late incumbent of the secretary's office has for some years past, with two clerks only, been charged with the duties of that office, the state library, and the adjutant general's office—the two first alone involving together an amount of labor beyond the physical capacity of any man to perform properly. The committee is informed that the necessity for separating the offices of secretary of the commonwealth and librarian has long been foreseen, though the measure was not heretofore recommended for reasons which it is not deemed necessary to state. But now, when under the new constitution the secretaryship of the commonwealth is invested with an importance not previously attached to it, and that officer in fact stands in relation to the governor in the place of the late council of state, it seems to this committee that the important duties devolved upon him ought not to be connected with other and incompatible duties; and competent and able as the present secretary unquestionably is, that he cannot possibly do justice to both departments any more than his predecessor, even with an additional clerical force, which would be indispensable. The committee finds that the business was thus arranged by the late secretary of the commonwealth, the whole force consisting of himself and two clerks: To the first clerk the business of the secretary's office, civil in its character; the second clerk employed entirely in the business of the adjutant general's office, including the issuing, registering and forwarding of military commissions, which alone requires the time of one clerk; the secretary assisting, supervising and directing the whole, and himself performing the duties of librarian, as far they could be performed with such a mass of other business. It is the opinion of the committee that the duties of secretary of the commonwealth will fully occupy the time of that officer and one clerk; that it is necessary to transfer the second clerk to the adjutant general's office; that it is indispensably necessary now to appoint a state librarian; that it will be an advantageous arrangement of the several departments, and occasion no additional expense to the state, (the alternative being a state librarian or more clerks,) and that the aggregate cost of the three, thus arranged, will be between \$2000 and \$3000 less than under the old constitution. A bill embodying this

arrangement being new before the legislature, it is deemed unnecessary to offer more than the following resolutions :

Resolved, that the accounts of the librarian, ending the 31st December 1852, be received and allowed.

Resolved, that the room formerly occupied by the council of state be added to the library.

Resolved, that in future, after making the purchases necessary for the state library, the committee shall cause to be purchased out of the library fund such books as may be required by the judges for the law library at Lewisburg.

JOHN W. H. PARKER,  
*Ch'n Com. Senate.*

JOS. SEGAR,  
*Ch'n Com. H. of D.*







[DOC. No. XLVI.]

# REPORT

OF

## THE BOARD OF DIRECTORS

OF THE

## WESTERN LUNATIC ASYLUM.

1852-3.





At a meeting of a board of directors of the Western lunatic asylum at Staunton, January 12th, 1853:

The committee appointed on the 10th instant, to whom was referred the report of the committee to this ward, in relation to the charges contained in a pamphlet, published by Commander V. M. Randolph, U. S. N., with the evidence accompanying the same, made a report, which was read and unanimously adopted.

Resolved, That the president of this board be requested to forward the report of the committee, this day made, with accompanying documents, to the speaker of the house of delegates, with a request that he will lay the same before the general assembly.

A copy—Teste,

NICH. C. KINNEY, *Clerk.*

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STAUNTON, January 14, 1853.

DEAR SIR,

In compliance with the above resolution of the president and directors of the Western lunatic asylum, I herewith enclose to you the report referred to in said resolution, and request that you will lay the same before the general assembly.

I have the honor to be,

Very respectfully,

Your ob't serv't,

SAM'L CLARKE,  
*President of the Board.*

HON. OSCAR M. CRUTCHFIELD, *Speaker*  
*of the House of Delegates, Richmond.*



## REPORT.

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*To the General Assembly of Virginia.*

The board of directors of the Western lunatic asylum respectfully report, that on the 15th of October last they received a communication from their superintendent, Dr. F. T. Stribling, informing them that he had just met accidentally with a pamphlet, published by V. M. Randolph, U. S. N., purporting to expose some of the abuses and cruelties now existing and practised in the Staunton Va. insane asylum, and asking that a board might be convened, to consider what action should be had in the premises, and begging a thorough investigation of his own official conduct complained of in the pamphlet.

The board had not been honored with a copy of that pamphlet, nor were they aware, except by rumor, of its existence, until thus apprised by Dr. Stribling. Capt. Randolph had not appealed to them officially or otherwise for a redress of his own grievances, or for the correction of the general abuses of which he complains; and they were mortified and astonished to find, in a published pamphlet sent abroad into the state, charges, which, if true, deserved the indignation of the world, made by a man of high standing and reputation, who had gone from their midst to give publicity to his accusations, without having intimated it to them, the constituted guardians of the institution. Notwithstanding the prejudgment and condemnation of themselves, implied in the failure of Capt. Randolph to prefer his charges to them, the board at once determined to perform its duty, by causing a searching investigation to be had into all the alleged abuses, by a committee of their own body. That committee has now acted, and their report, with its accompanying evidence, together with all the proceedings of the board touching the subject, and the letter of the 15th of October from their superintendent, above referred to, are herewith submitted to your honorable body. The report of the committee contains an entire exoneration of the institution and its officers from the charges contained in Capt. Randolph's pamphlet, so far as it goes. Only one charge is unnoticed by the committee, because they did not think it needed a reply: it was that Capt. Randolph had heard that a request had been made of the editors here not to publish the notices of deaths of patients. This board never authorized such a request: they are informed it never was made; and for the only object for which it could have been made, it would have been useless, since the deaths of all the deceased patients are annually reported to the legislature by the board. The committee of investigation have not thought proper to take the evidence of patients still uncured in the hospital; and in the propriety of their course in this respect and in all others, the board of directors fully concurs. The mis-

chiefs that would result, from calling upon the patients for testimony on such investigations, are easy to be foreseen. The improbability that such enquiries would elicit satisfactory truth, is shown by Capt. Randolph's own experiments in that line. Upon the statements of Mr. McCown, a *patient*, Capt. Randolph has founded some of his gravest charges against the officers and attendants—yet the same Mr. McCown *having been discharged* cured, ignores those charges, and unites with others in bestowing praise on the institution.

The board of directors cordially unite with their committee in urging upon the legislature the propriety of sending a joint committee of both houses, if not to investigate charges, at least to make investigation into the condition and management of the institution.

If anything is found wrong, let it be corrected—if all is right, let the people of the state, and especially the friends of the unfortunate patients, have that assurance, which none but the immediate representatives of the people can give, that the poor and helpless objects of the state's bounty are properly cared for.

These visitations, in the humble opinion of the board of directors, should be regularly made whenever the legislature assembles. Their corrective efficacy, whenever things tended to go wrong, and their influence in strengthening the hands of the directory when, in the performance of their duty, malice and faction array themselves against them, are incalculable. Little or no delay in the business of the legislature need be incurred thereby; and with the present facilities of travel between Richmond and Staunton, the trip would be easy and pleasurable.

THOMAS J. MICHIE,  
WILLIAM A. ABNEY,  
WILLIAM H. HARMAN,  
*Committee.*

January 12, 1853.

## COMMITTEE'S REPORT.

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To the Board of Directors of the  
*Western Lunatic Asylum.*

The undersigned, a committee appointed to investigate the charges contained in a pamphlet written by Commander V. M. Randolph, U. S. N., and entitled "A Candid Enquiry into some of the Abuses and Cruelties now existing and practiced in the Staunton Virginia Insane Asylum," &c., report, that they have given to the pamphlet a patient consideration, and have made use of all the means in their power, which they thought could be properly employed, to ascertain whether the abuses alleged therein really existed, and whether the cruelties charged had indeed been practiced.

They do not deem it necessary to enter here upon a critical examination of the general views and suggestions of its author, for the purpose of showing that much that is suggested by way of *ameliorating* the condition of the inmates of the asylum would, in many respects, where practicable, be injudicious; and even were it necessary, they would decline such a discussion in favor of those whose opinions, founded upon a lifetime's study of the treatment of lunacy, would naturally be entitled to greater weight than their own. Neither will they undertake to pass judgment upon the spirit which appears to be manifested in much of the pamphlet before them: they will rather seek to make for its author much allowance, owing to the sad misfortune under which he suffered, and to believe that his sole motive in its publication, however much they may differ about the effect likely to be produced by it, was, "to do good" to those unfortunates in whose affliction he had so much cause to take an interest.

Notwithstanding, however, this disposition on their part, your committee could not fail to be struck with the fact, which appears so prominently in Capt. Randolph's publication, that the unfavorable opinion which he had conceived of the "Mount Hope" asylum and of Roman Catholic Irishmen as attendants, appears to have attended him here, and to have given rise to suspicions with regard to the management of all such establishments, and the conduct and dispositions of all such attendants, as probably paved the way for prejudices which have gone far to disqualify him from judging impartially of the management of the Western asylum.

Your committee will not spend time in considering whether it be true that "the lunatic asylum in Staunton belongs to the Episcopal church:" this charge, in whatever motives it may have originated, has already been disposed of by a committee of the legislature, and your committee only notice it to express a regret that Capt. Randolph, while in Staunton, should have derived any impressions relative to the asylum from those who appear to be still laboring to keep alive charges to its prejudice, which have by a competent and impartial tribunal been pronounced *unfounded*.

It was thought proper by your committee to enquire whether ministers of the Gospel had ever been refused permission to see any patient in the asylum who was a fit subject for religious teaching and consolation. To this end they took and herewith return the certificates of the Rev. B. M. Smith and Thos. T. Castleman, from which it appears that there is no existence in reason for this charge; and it further appears that it is not a fact, as stated by Capt. Randolph, that Mr. Castleman ever "asked permission to see his son, but was refused."

Your committee confess that they were not a little astonished at this charge of cruelty to the patients on the part of the attendants. The asylum has been for many years in beneficent operation. Hundreds of patients, brought hither in most deplorable condition, have been cured, and have returned grateful and rejoicing to their homes. From not one of them has any complaint of cruelty ever been heard in this community. One of your committee has, since the appearance of Capt. Randolph's pamphlet, made it his business to invite numbers of persons, whom he believed to be unfriendly to the asylum, to prefer any charge which they might have to make against its management, but not one has ventured an accusation. Capt. Randolph is the first to allege that horrible cruelties are not unfrequently practiced within its walls. It is worthy of observation that every act of cruelty specified in Capt. Randolph's publication rests upon the authority of patients whose faculties or feelings were more or less distorted. If it be true in general that

"The difference is as great between  
The optics seeing as the objects seen,"

the circumstance just alluded to is well calculated to put the reader of this pamphlet upon his guard. Your committee are by no means disposed to announce the proposition that the statements of every one, whose intellect or feelings are partially deranged, are therefore wholly unreliable. Far be it from them to do so. They believe that the patients in the asylum are probably as truthful in their *dispositions* as the mass of mankind without its walls; but the difficulty is in determining how far, in each particular case, the derangement under which the patient labors is calculated to pervert his judgment and create impressions variant from the real state of facts: it is this difficulty which they think should induce a person engaged in a "candid enquiry," dependent upon their testimony, to receive their statements with much caution and allowance; but Capt. Randolph, after stating that Mr. McCown and Mr. Lewen had both told him, "that many of the patients die for want of kind nursing, and that others are driven to desperation from cruel treatment," &c., adds that he "*believes it all.*" There could not be stronger evidence of a disposition, on the part of the captain, to give ready credence to everything, however horrible, tending to the disadvantage of the asylum.

It appears from Mr. McCown's statement and examination, taken since the publication under consideration, by the direction of your committee, (before the Rev. Horatio Thompson, his pastor,) that he at least did not make the statement above quoted, and which the captain, we are to suppose, believed in part upon his credit.

Under the charge of cruelty, the specifications are mostly derived from Mr. Lewen. Your committee thought proper to examine Dr. Hamilton as to condition of Mr. Lewen's mind, so that they might be better able to judge of the value of his testimony. Dr. Hamilton, it will be observed, says that he "does not doubt that such a person (as he has described Mr. Lewen to be) seeing another patient

struggling with attendants, or in another situation calculated to arouse his sympathy, might become excited so as to be incapable of accurately observing and correctly reporting the circumstances." Dr. H. says also, in reference to the death of Kendall, who is said "to have remained on the floor for more than two hours, and then died in the midst of his own filth," that he (Dr. H.) "was in his apartment several times during the day: once a short time before and once (in company with the superintendent) immediately after his death, and saw nothing to excite a suspicion that he was not properly attended." With regard to the showering of Dr. Hall, your committee departed from the rule they determined upon in the conduct of this investigation—not to examine any one inculpated—by taking the deposition of the attendant Hoshour, who is said to have assisted in the fact charged. Of this attendant they would remark in passing, that from all they have heard of him, and all they have seen of him, they esteem him a most reliable and worthy young man. He says he "don't remember any such occurrence, though it may be possible that he assisted on some occasion in showering Dr. Hall. He says further, that he "is confident that it would not have been possible that he should have showered him for fifteen minutes, and treated him otherwise unmercifully, without remembering it."

The charges which Capt. Randolph prefers, touching the treatment of his son, are his removal, from the apartment in which he was first placed, to another less desirable, the confining his arms with straps, harsh usage by attendants and general neglect. It is due to Dr. Stribling to say, that immediately upon the receipt by him of Capt. Randolph's first letter of complaint, he laid it before the executive committee of the directory, and his response thereto was submitted to them, and approved before it was sent. If all the charges last named might be judged by the one which your committee can pass upon after personal inspection, they would not hesitate to pronounce them groundless. Your committee visited both the rooms occupied by Capt. Randolph's son: they saw and passed through *both* the *accesses* to the one to which he was removed, and this they did on one occasion without notice, and during Dr. Stribling's absence. They now declare that they can see no reasonable ground of complaint in the removal complained of. After weighing the respective advantages and disadvantages of the two rooms, they are at a loss to decide which should be considered preferable; and they furthermore add that they believe the removal was made solely upon the combined considerations of the interests of the asylum and the welfare of young Mr. Randolph.

As to the use of straps, directed by Dr. Stribling for the purpose of confining the arms of this young man, your committee know no reason why this should furnish a ground of just complaint. That such restraints are sometimes necessary, no *sane* man can be found to doubt. Whether there be a disposition on the part of the patient to injure himself or others, humanity certainly requires that he should be prevented, even at the expense of depriving him for a time of the use of his arms. The case of young Mr. Randolph was one which called, as your committee believe, for restraint to prevent his injuring himself, and they have no idea that Dr. Stribling did in this case act contrary to the enlightened rules of humanity, by which, it has heretofore been universally conceded, he has been governed in the treatment of those committed to his care. It is also stated that this young man was neglected and used harshly by his attendants; and this charge is

said to be derived from his declarations in lucid moments. It may be proper to state here that one of your committee saw young Mr. Randolph several times while he was an inmate of the asylum: on those occasions he *seemed* totally bereft of reason and altogether indifferent to, if not unconscious of, what was going on around him: he cannot, of course, say whether such was generally his condition, or whether he was able to form an accurate opinion of his treatment while in such a state, so as to be competent to testify truly and impartially concerning it in after moments of sanity. It is perhaps presumable that he was not. Your committee frankly admit that they have been at a loss to know how these charges of cruelty and neglect against attendants, made upon the sole evidence of patients, should be dealt with. They have already said that in their judgments the statements of any one whose feelings or intellect were deranged should be received with caution. But when received, how are they to be met? Your committee felt that should they examine the attendants accused, it would be forthwith objected that these men, if capable of cruelty to the unfortunates committed to their charge, could not be credited should they exculpate themselves in a matter upon which their characters and situation were dependent. Not only their interest but the *very accusation itself*, under which they rested, would, in many minds, have the effect of impairing their credit. Your committee would not be misunderstood. They do not entertain the opinion that the statements of patients are uniformly worthless. They know that such statements are daily and must be daily received and acted upon by the officers of the asylum. If they charge a fact *at the time of its commission*, there will be invariably corroborating evidence. Should violence be alleged, violence leaves its mark; should improper confinement be the subject of the charge, its truth may be readily determined; should restraints be placed without proper authority upon the patients, the means used will be visible.

If the patient be sick and neglected by his attendant, it is certain that he will be visited at least once a day by the superintendent, and not less than twice by the assistant physician. But the acts charged in Capt. Randolph's pamphlet, and which they are called upon to investigate, are, where specified, long since past. And not only so, but Mr. Lewen, one of the accusers, has been discharged, (not *cured* but improved:) young Mr. Randolph, the other, has gone to his long home, "where the weary are at rest," and where it is earnestly hoped a happy period has been put to the sufferings, which, under the dispensation of an all-wise Providence, he endured on earth. Even should the testimony of patients be discarded altogether, which your committee by no means advise, since there are many inmates of the asylum of whose judgment and dispositions they have enjoyed the means of forming an opinion, and in whom they have the greatest confidence, they do not believe that great abuses and cruelties would be likely to exist, or at least to exist undiscovered. Apart from the fact that the reputation of the superior officers of the asylum is dependent upon the success of the institution, which, in its turn is dependent upon the character of its management, your committee do not think so poorly of human nature as to suppose that among all the employees of the asylum there would not be a man found who would have the honesty and humanity to expose habitual abuses and cruelties, and those who might permit or perpetrate them, to the indignation of the public. On the other hand, the board know enough of many of the unhappy inmates of our asylum to perceive at once that the best ordered establishment of the kind under the sun



might be hopelessly destroyed, if its character were dependent upon the statements of many of its inmates, who are brought here in frames of mind which have led them to suspect those most in whom they have most reason to repose confidence, to believe their nearest relatives their deadliest enemies, and frequently to reprove bitterly their friends for bringing them hither, who have been actuated in so doing by the purest motives of affection.

With these views, your committee have contented themselves for the most part, with enquiring into the general character of the management of the asylum from those who had every opportunity of knowing it, and who were entirely disinterested in their testimony respecting it. In this connection reference is made to the depositions of Dr. Fisher, Caleb Crone and Patrick McNamara. The honest frankness of the deposition of the last named might almost redeem Roman Catholic Irish character from the unqualified condemnation of Capt. Randolph.

Even at the expense of consistency, your committee cannot forbear from stating here an incident which one of them gathered in a conversation with Mr. Hoshour. Mr. H. remarked that he had not seen Capt. Randolph's pamphlet, but that he had been informed by some one who had, that it was there stated that young Randolph had spoken of him as "the rattlesnake." Now, said Mr. H., I think I can furnish you with an explanation of that. I had at that time a pair of pantaloons resembling in their pattern a snake skin. Young Randolph observed them one day, and addressed me as "the rattlesnake." He frequently afterwards took notice of them, and I suppose it was in this way I came to be represented as having been called by the young man "the rattlesnake." If Mr. Hoshour is correct in supposing this to be the origin of the statement in Capt. Randolph's publication, there is here afforded a very striking (they had almost said amusing) instance of the length to which Capt. Randolph's prejudices have carried him.

The charges contained in this pamphlet against the superintendent are, culpable remissness in the discharge of his duties, reposing too much confidence in others, and entrusting too much power in the hands of the attendants. Upon these points your committee refer to the depositions of Dr. Fisher, Mr. McCown, Caleb Crone and Patrick McNamara. They certainly very fully vindicate Dr. Stribling from the charges above stated, and represent him as a most faithful and efficient officer. If it be objected that these depositions (save that of Moses McCown) say nothing of the last eighteen months, your committee reply that they have satisfied themselves as to that period also, by evidence of a very high and reliable character; and upon a review of the whole investigation they have made, justice to Dr. Stribling demands that they should say, that they have found nothing which reflects in the slightest degree unfavorably upon him. They deem it unnecessary to offer here any tribute to his past invaluable services: the high reputation he already justly enjoys, leaves them nothing to add. The charge of a want of due cleanliness in the asylum your committee are satisfied is most unjust: upon this point they again refer to the depositions of Dr. Fisher, Caleb Crone and Patrick McNamara. To satisfy themselves even more fully with regard to this charge, your committee not long since, during Dr. Stribling's absence in Richmond, visited the asylum without notice: they went through every portion of it without the attendance of any superior officer. In one or two *trivial* matters they saw occasion to find fault, but in all great essentials its condition was most commendable, and such has been their uniform experience. The neatness

and cleanliness of the female department, they are confident, cannot be surpassed. By this merited compliment to one department, they intend nothing to the disadvantage of the other. The condition of the male department was most gratifying ; and though there was a difference observable between the two, it was not greater than would naturally be expected from the known difference between the sexes in point of neatness, and the very different character of their employments.

In conclusion, your committee submit the testimony they have taken, together with this feeble and hasty review of a portion of it, to the consideration of the board. They feel fully satisfied that there were no abuses in the asylum calling for such a publication as that of Capt. Randolph. Had he laid before the board a recital of any abuses and cruelties which he thought existing and practised, we are confident it would have been respectfully received and carefully considered. Nor do your committee pretend to say, that instances of neglect and misconduct do not occur in the asylum. Strict, untiring fidelity in the discharge of a trust, however desirable, is not often met with among men. The most that can be done towards securing it, is by the exercise of a vigilant supervision and by punishing delinquencies whenever they are discovered ; and your committee believe that such has always been the discipline of this asylum. They have said they believed Capt. Randolph's pamphlet uncalled for : they add that they feel satisfied that it will be productive of much mischief : they have already heard of its being sent to the friends and relatives of inmates of the asylum, (they must suppose by some malicious hand,) and of its producing among such much disquietude. In view of this state of things, they feel it to be their duty to recommend the board to call the attention of the legislature thereto, and invite at their hands, through the agency of a joint committee, an investigation of its charges, promising them all the assistance in our power.

All of which is respectfully submitted this 5th day of January 1853.

JAMES H. SKINNER,  
WILLIAM A. ABNEY,  
THOS. P. ESKRIDGE,  
*Committee.*

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At a meeting of a board of directors of the Western lunatic asylum at Staunton, January 8th, 1853 : The committee to whom was referred the charges contained in a pamphlet written by Commander V. M. Randolph, U. S. N., this day made a report, with the evidence taken by them, which was read and unanimously adopted ; and said report and evidence are referred to Thomas J. Michie, William A. Abney and William H. Harman, who are appointed a committee to prepare a report to the legislature in relation to the charges aforesaid, and report the same to this board as early as practicable, for their action.

A copy—Teste,

NICHO. C. KINNEY, *Clerk.*

# TESTIMONY.

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## MOSES McCOWN'S TESTIMONY.

*Statement by Moses McCown, Esq. of a Conversation which took place between Capt. Randolph of the U. S. Navy and himself; whilst he (said McCown) was a Patient in the Western Lunatic Asylum of Virginia.*

In a conversation with Capt. Randolph in reference to his son, then in the Western lunatic asylum, having understood that he had refused to take medicine, I advised the Captain to remove his son to his own private boarding-house and procure a female nurse, who, together with his own attention, would render the condition of his son more comfortable than his present situation at the asylum, and exempt him from much annoyance, occasioned by the noise of patients in the wing building.

I also told Capt. Randolph that I believed in my own case my mind was entirely free from those delusions under which I had been laboring, and thought I ought to be discharged, and I knew of no reason why I was not, except that I was a pay patient.

I also stated that at one time, when under the care of the attendant, Mr. O'Meara, I was very sick, and my stomach revolted at every species of food. He brought me a plate loaded with plain food, and rudely ordered me to eat it all. I told him that I was very sick; that I could not, and prayed that he would excuse me from eating it. He ordered me peremptorily again to eat it, adding, if I did not, he had an instrument down stairs which he would bring up and force it down my throat. He said it was the Doctor's orders, (I suppose Dr. Hamilton's, as I was afterwards informed that Dr. Stribling was not at home: accounting for the fact and relieving my surprise that Dr. Stribling had never visited me.)

I told Capt. Randolph that I had reason to believe that many of the more helpless patients in the asylum suffered for want of proper attention and kind treatment from some of the attendants, and his son among the rest.

I had witnessed on one occasion the attendant, Mr. O'Meara, abruptly take the patient, Morton, (a kind hearted man,) by the throat and shove him into the house, whose only offence was presuming to go out after it had been raining. I did not make the statement imputed to me by Capt. Randolph in regard to patient's dying for want of kind nursing, or being driven to desperation from cruel treatment. I may have mentioned to him Mr. O'Meara's treatment to Morton, as above stated.

My reason for stating that I believed many of the patients suffered for want of "kind treatment and proper attention" was based, not upon anything which came under my own observation, but by representations made to me by Mr. Lewen, a patient in the asylum.

After the above statement had been made and written out, Dr. Stribling propounded the following questions, to which the annexed answers were given:

1. How long were you a patient in the Western lunatic asylum?

I entered the asylum on the 18th of May and was discharged on 30th September 1859.

2. What was the condition of your mind when you left home and for a short time after you entered the asylum? State some of the prominent delusions under which you labored.

My mind was greatly disordered at the time referred to. Before leaving home I at one time fancied that I could fly. (My age is 66 and 11 months.) I under this delusion leaped from a window. I also thought my wickedness extreme, and that I ought to be put to

death. After reaching the asylum, I believed I had been sent there by magistrates in order to be murdered.

3. What did you think was the nature of the food which Mr. O'Meara offered you, and what his object in wishing you to partake of it?

I had no suspicions of the food when first presented, but after being threatened with the tube, and after the attendant had broken off several small pieces which he said I must eat, I then suspected that it (the bread) was the Roman Catholic wafer, and that Mr. O'Meara's object in requiring me to eat it was to cause me to send for the priest to make confessions of my sins.

4. Did Mr. O'Meara use actual force, or did he only threaten that the tube would be used if you refused to eat?

He used no force, but only made the threat.

5. In advising Capt. Randolph to remove his son to his boarding-house, why did you suppose that the asylum "was no place for him," and that his condition would be bettered by the change?

My answer to this question will be found in the "statement of a conversation," &c. herewith furnished.

6. Did you ever urge that you be discharged, or intimate to the superintendent that you suspected he was detaining you because you were being charged for your board, &c.? Did you not always, when expressing to the superintendent your desire to be permitted to return home, accompany it with the declaration that you had entire confidence in his judgment and in his disposition to decide what was best for you, and asked him to be governed by these rather than your wishes? Did you not also, when you received your discharge, feel and express considerable apprehension lest you might relapse should you return home?

I never did insist on being discharged; nor did I ever intimate to the superintendent that I suspected he was detaining me because I was a pay patient. I always had entire confidence in his judgment, and that he would do what was best for me, and so often assured him. I did, when discharged, feel apprehensive that I might relapse on returning home. I do not now believe that I was detained at the asylum because of my being charged for my board, &c.

7. With the exception of your room door having been locked for a short time after you entered the asylum, and the threat of Mr. O'Meara as to using the tube, did you consider yourself as having been treated at any time during your stay in the asylum, by any officer or attendant, unkindly or with neglect? If so, state by whom, and give the particulars.

With the exceptions named in the question, I was treated uniformly well by all the officers and attendants, and allowed all the privileges I could have desired.

8. Did you, whilst in the asylum, see any officer or attendant treat, with harshness or cruelty or neglect, any patient? If so, name the officer or attendant and the patient, and give particulars.

None except the case of Mr. Morton, referred to above.

9. What did you think as to the disposition manifested by the superintendent in reference to the care and comfort of patients? Did you suppose that he would in any manner countenance or tolerate unkind treatment or neglect on the part of attendants or others?

I did not think that Dr. Stribling would tolerate any unkindness of attendants or others towards patients, if known to him. I have always had the highest opinion of Dr. Stribling's tenderness and affection to patients under his superintendence.

10. Did not Capt. Randolph apprise you, whilst you were an inmate of the asylum, that he designed making a publication against it? And did he not read to you much of the matter which his pamphlet contains?

Capt. Randolph did say to me, whilst I was an inmate of the asylum, that he thought of

publishing a pamphlet, and read to me the correspondence between the superintendent and himself.

11. Did you not for some time occupy an apartment in the same wing with Mr. Lewen? And during your stay in the asylum were not your opportunities for observing the conduct of attendants in the general equal to his?

I did, for perhaps a week; but after my removal to the centre building my opportunities were not so great, owing to my having but little intercourse with those in the lower buildings.

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I hereby certify that the above statement by Mr. McCown, and the answers to questions propounded by Dr. Stribling, were made to me and in my presence; that the whole was written out by me, and that I believed Mr. McCown sane at the time, and free from any undue bias.

HORATIO THOMPSON.

Oct. 28th, 1852.

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#### DR. WILLIAM HAMILTON'S TESTIMONY.

*Interrogatories propounded to Dr. Wm. Hamilton, an Assistant Physician of the Western Lunatic Asylum, by a Committee of the Board of Directors of said Asylum.*

1. Be pleased to state the character of the mental derangement of Mr. Lewen, late a patient in the asylum, and whether it was of such a nature as to influence his judgment and feelings in case of any coercive treatment of his fellow-patients witnessed by him; if so, how? State also whether, when he left the asylum, he was entirely cured, or in what condition of improvement, if improved?

The prominent features of Mr. Lewen's case, at the time of his admission, were morbid conscientiousness, dread of death, and excessive nervous excitement. He accused himself of having deceived and ruined his friends and apostatized from his God, and believed that the former were pursuing him to put him to death, and that by the latter he was already condemned to eternal perdition. He was excited and slept but little, and he constantly groaned and lamented his hopeless condition. In his despair he had attempted to commit suicide a short time before his admission. Under treatment his health became good, the nervous excitement abated, and he was relieved from the apprehension of immediate destruction. So far he was improved; but he continued to be weak in intellect, timid, sensitive and desponding, often saying that he would give the world to be convinced that he was only a lunatic, and not a reprobate. He was fearful of giving offence and scrupulous in his conduct, and he exhibited a lively sympathy for his fellow-patients. I do not doubt that such a person, seeing another patient struggling with attendants, or in any other way calculated to arouse his sympathy, might become excited so as to be incapable of accurately observing and correctly reporting the circumstances.

2. State anything you may know personally respecting the circumstances attending the death of one of the patients by the name of Kendall, who is said to have remained "on the floor (of his apartment) for more than two hours, and then died in the midst of his own filth." State also the general character of his case.

Mr. Kendall was the first patient admitted into the asylum. When I first saw him, about 18 months ago, he had become quite feeble in body, and his mind was entirely obliterated. During the following year his health declined slowly and gradually, and he died on Sunday the 13th of June 1852. I know nothing personally respecting any unusual circumstances attending his death. I was in his apartment several times during the day—once a short time before, and once (in company with the superintendent) immediately after his death, and saw nothing to excite a suspicion that he was not properly attended.

W. HAMILTON.

Dec. 27th, 1852.

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*Corporation of Staunton, to wit:*

This day personally appeared before me, a justice of the peace of the corporation aforesaid, W. Hamilton, and made oath that the above answers are true, to the best of his knowledge and belief. Given under my hand this 27th day of Dec. 1852.

JAMES H. SKINNER, J. P.

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#### SAMUEL A. HOSHOUR'S TESTIMONY.

*Interrogatories propounded to Samuel Hoshour, an Attendant in the Western Lunatic Asylum, by a Committee of the Board of Directors thereof.*

1. It has been stated that you, together with a servant boy named Robert, once assisted O'Meara, an attendant, in dragging down stairs Dr. Hall, a patient, and showering him for more than fifteen minutes, unmoved by his cries for mercy. If you remember anything of such an occurrence, state fully every particular of it.

I do not remember any such occurrence, though it may be possible I assisted on some occasion in showering Dr. Hall. I am confident that it would not have been possible that I should have showered him for fifteen minutes and treated him otherwise unmercifully without remembering it.

2. What do you understand to be the duty of an attendant in the asylum, with regard to administering the shower bath?

I understand it to be his duty in the first place to report to the doctor what the patient is doing: in the second, not to administer the shower without the doctor's direction; and this rule applies also to restraints.

3. Is it the practice at the asylum on the part of the physicians, to order the shower bath to be administered or restraints to be placed upon the patients upon the sole representations of the attendants, or do they themselves first examine into the case in person, (always excepting those cases where an attendant is called upon to confine a patient on the spot, to prevent immediate threatened violence, reporting the fact immediately afterwards to a physician?)

It is frequently the case that the physician will go and examine into the circumstances reported by the attendant: at other times they act, in imposing restraints, upon the report of an attendant, assisted by their own previous knowledge of the case. Thus it may happen that the doctor on his rounds may find a patient who is being guilty of some misbehavior. On such occasions he admonishes the patient to desist, and frequently cautions him that if

he continues to misbehave, restraint will be placed upon him, enjoining it upon the attendant at the same time to report his conduct, in the event he does not behave better. If the patient continues to misbehave and the attendant reports the fact, the physician will often, without going again, at that time, to see the patient, direct that he be placed under restraint. It is further my belief, that no man under the sun can manage an institution, such as ours, unless he can place some confidence in the integrity of the attendants under him—and further says not.

SAM'L A. HOSHOUR.

*Corporation of Staunton, to wit:*

This day Samuel A. Hoshour personally appeared before me, a justice of the peace for the corporation aforesaid, and made oath that the above answers are true, to the best of his knowledge and belief. Given under my hand this 24th of December 1852.

JAMES H. SKINNER, J. P.

#### DR. EDWARD C. FISHER'S TESTIMONY.

*Questions propounded to Dr. E. C. Fisher of Richmond City, by a Committee of the Board of Directors of the Western Lunatic Asylum of Virginia.*

1. State whether you ever acted in the capacity of assistant physician in the Western lunatic asylum of Virginia; if so, state when you were appointed, and how long you continued in that capacity.

2. Give your opinion, as derived from your own observation, of Dr. Francis T. Stribling as superintendent of the asylum—particularly state what was the character of his supervision over the subordinate officers and attendants, and whether in your knowledge he ever suffered any malfeasance or remissness on the part of any under his control, of which he knew, to pass without proper notice and correction.

3. State whether Dr. Stribling was in the habit of relying upon the representations of the attendants as to the condition of the patients, and basing his prescriptions and directions for their treatment thereupon, or whether his action was uniformly based upon either personal inspection or the report of an assistant physician. Be pleased to state *fully* what his practice in this respect was.

4. State what you may know of the general treatment of the patients in the asylum by the attendants, and the customary care and attention given to their welfare by the superintendent, and all others to whom they are entrusted. State also what was the general condition of the asylum in point of cleanliness, during the period of your opportunity of knowing, and your opinion of its police regulations, and how they were observed and enforced.

JAMES H. SKINNER,  
WILLIAM A. ABNEY,  
THOMAS P. ESKRIDGE,  
*Committee.*

*Staunton, Dec. 12, 1852.*

MESSES. J. H. SKINNER, W. A. ABNEY, and T. P. ESKRIDGE,  
Committee of the Board of Directors of the Western Lunatic Asylum.

GENTLEMEN,

I respectfully submit the following as answers to the interrogatories propounded to me by yourselves, and sent (by mail) by Mr. Skinner on the 17th instant:

*Answer to question 1.*—I was appointed assistant physician to the Western lunatic asylum in the year 1849, and entered upon the duties thereof January 1st, 1850, and remained there, in that capacity, until July 1st, 1851. During my connection with the asylum I had the charge of the male department.

*Answer to question 2.*—I very confidently assert the "opinion," based upon the result of my observation, and the opportunities afforded me while connected with the asylum, that Dr. F. T. Stribling is admirably suited to, and eminently qualified for, the position of physician and superintendent; and that, in the discharge of the varied and multiplied duties devolving upon him as the chief officer, he seemed always to be governed by a desire to promote (to the best of his ability) the best interests of the asylum; that in his character as superior over the subordinate officers and attendants, his constant aim seemed always to be fairly, yet strictly, to scrutinize the conduct of all in their official capacity, so as thereby to secure to the asylum the faithful discharge of their duties. I never knew any impropriety or neglect of duty on their part to occur without proper notice and investigation on his part.

*Answer to question 3.*—In the medical and moral treatment of the patients, Dr. Stribling relied wholly and entirely upon his own personal inspection of the same, or upon the reports given to him by the assistant physician. I am very sure that I never knew him to form an opinion or direct a prescription for a patient upon any other grounds of information than those above specified. I deem it also due to Dr. S., and to the cause of truth, to say, that he never (to my knowledge) delegated, in a single instance, authority to an attendant, either special or general, to use any coercive means towards the patients: such coercion being *always* (in conformity with the law of the institution) directed by *himself* or the *assistant physician*. If there was one particular rule more strongly and frequently urged upon the attention and notice of the attendants, over all others, it was that imperative command: "Never to use any forcible means with patients *except* by the authority and knowledge of a superior officer." The slightest violation of and departure from this rule always received the severe reprehension of the superintendent.

*Answer to question 4.*—From the opportunities I enjoyed, by daily and almost hourly mingling with the patients, and in visiting their apartments, I feel fully warranted in saying that the general treatment of the patients, on the part of the attendants, was kind and humane; were it at any time otherwise, such conduct on their part was rigidly and searchingly investigated, and, if possible, a corrective applied. Every principle upon which the institution was conducted, and every motive which operated upon the feelings or judgment of the superintendent, associated with its government, were alike at war with such indiscretion and impropriety on the part of an attendant; and I take pleasure in bearing my testimony to the kind attention and earnest solicitude at all times manifested by Dr. Stribling in behalf of the comfort and well-being of the patients. As far as the *cleanliness* of the buildings is concerned, I humbly think they would compare favorably with very many private dwellings, and on that account justly entitled to much of the praise it was my privilege and pleasure to hear bestowed upon the apartments by hundreds of visitors who had access thereto. In conclusion, I will add that I regard the police regulations of the asylum thorough and complete, and in the main they are faithfully executed.

All of which is respectfully submitted.

ED. C. FISHER.



*City of Richmond, State of Virginia, to wit:*

This day personally appeared before me, a justice of the peace in and for said city, Edward C. Fisher of the said city, and made oath to the truth of the foregoing declarations and statements, according to his best belief and knowledge.

Given under my hand and seal on this 23d day of December 1852, in said city.

SAM'L F. PULLIAM. [*Seal.*]

### CALEB CRONE'S TESTIMONY.

*Interrogatories propounded, by a Committee of the Board of Directors of the Western Lunatic Asylum, to Caleb Crone.*

1. State whether you were ever an attendant in the Western lunatic asylum; if so, how long did you act as such, and when did your connection with the asylum terminate?

I was an attendant about 2 years and 9 months, terminating my employment, as such, in April 1848.

2. State whether, while you were an attendant, any misconduct or remissness in the discharge of his duties, on the part of any attendant known to you, ever came to the knowledge of Dr. Stribling without being properly noticed and corrected by him?

I have known of misconduct on the part of attendants, but never of any which came to Dr. Stribling's knowledge without his taking it in hand. There was a case, which occurred while I was at the asylum, as follows: An attendant, Crigler, was sent after a patient who had escaped, and brought him back with his eye blacked. I understood that Dr. Stribling enquired into the cause of the injury, and was informed by the attendant that it was the result of an accident, the manner of which he stated. The same attendant subsequently was despatched after another fugitive patient, and brought him back with his collar-bone broken. The case was investigated, and the attendant made a statement exculpatory of himself; but it was decided by the Dr. that, whether his statement was correct or not, it being the second occurrence of the kind which had happened to this attendant, the interest of the institution demanded his discharge, and he was accordingly discharged. There was a case of an attendant who was promptly discharged for getting drunk shortly after he entered the asylum.

3. State what was the general treatment which the patients received at the hands of the attendants while you were connected with the asylum, and whether there was a vigilant supervision on the part of the superintendent and other superior officers over the conduct of the attendants.

The attendants knew it to be their duty to treat the patients kindly, and such was the character of the general treatment which the patients met with at their hands, with but few exceptions. There certainly was a vigilant supervision over the conduct of the attendants on the part of the superintendent and other officers, particularly by the superintendent, who every day, at that time, was in the habit of visiting and enquiring minutely into the condition of the patients under my charge. I always felt, when I was in the asylum, that should I, at any time, treat the patients unkindly, I would be violating what I knew to be the express wishes and directions of Dr. Stribling.

4. State what was the general condition of the asylum, in point of cleanliness, while you were an attendant, and how the requirements of the by-laws, with regard thereto, were observed and enforced.

The asylum was, while I was an attendant, kept as clean as I believe any institution of the kind could by possibility have been. The centre building was, I believe, as clean as any parlor in the county.

5. State whether, while you were an attendant, the attendants were at liberty to impose, or were in the habit of imposing, restraints upon, or administering the shower bath, &c. to, the patients at their own discretion; if not, under what restrictions and authority were such things done?

I don't recollect, while I was an attendant, of any patients being showered without the previous direction of the superintendent or his assistants; nor did I ever impose any restraints upon any patient contrary to the by-laws. The attendants were all aware that restraints could not be imposed by them upon the patients without the authority of the superintendent or one of his assistants, or, in some cases, the steward.

CALEB CRONE.

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*Corporation of Staunton, to wit:*

This day Caleb Crone personally appeared before me, a justice of the peace for the corporation aforesaid, and made oath that the above answers are true.

Given under my hand this 22d of December 1852.

JAMES H. SKINNER, J. P.

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#### PATRICK McNAMARA'S TESTIMONY.

*Interrogatories propounded, by a Committee of the Board of Directors of the Western Lunatic Asylum, to Patrick McNamara.*

1. State whether you were ever an attendant in the Western lunatic asylum; if so, how long did you act as such, and when did your connection with the asylum terminate?

I was an attendant. I acted as such from the 1st of October 1845 to May 1850.

2. State whether, while you were an attendant, any misconduct or remissness in the discharge of his duties on the part of any attendant, known to you, ever came to the knowledge of Dr. Stribling, without being properly noticed and corrected by him.

I was myself at one time guilty of a piece of misconduct. Shortly after I commenced acting as attendant, I did on one occasion strike a patient, who was annoying me very much, a sufficient blow to make an impression upon his eye. The fact was communicated to Dr. Stribling by another patient. The Dr. thereupon took me into my own room, and after a severe caution, assured me that any similar conduct in future would be punished by my discharge from the asylum. I do not know of any other like instance with that I have spoken of, occurring without being noticed by Dr. Stribling. In fact, I do not remember any like instance of harsh treatment occurring at all. I have heard the Dr. occasionally reprimanding the attendants for what he considered a want of proper cleanliness in the apartments under the management of particular attendants. I know of no combination among attendants to keep anything from Dr. Stribling. I dare say that many little things of no great importance occurred, even in my own case, while I was an attendant, which I would have preferred should not have come to the knowledge of Dr. Stribling. I have known two attendants to be discharged from the asylum by Dr. Stribling—one while I was there and one since: one was discharged for violent treatment of a patient—the other for neglect of duty.

3. State what was the general treatment which the patients received at the hands of the attendants while you were connected with the asylum. Was there a vigilant supervision on the part of the superintendant and other superior officers over the conduct of the attendants?

The treatment of the patients by the attendants was, so far as I know, kind. It was the habit of the superintendant to enquire of the attendants as to the general conduct of the individual patients, and also to talk with the patients themselves about their condition.

4. State what was the general condition of the asylum, in point of cleanliness, while you were an attendant. How were the requirements of the by-laws, with regard thereto, observed and enforced?

The general condition of the asylum, in point of cleanliness, was very good. The attendants generally, with the assistance of the servants and even of the patients themselves, managed to keep their departments in good order. Dr. Stribling sometimes found occasion to find fault, particularly about the lower floor of one of the buildings. On the floor spoken of, the patients, from both their bodily health and condition of mental derangement, it was difficult to keep clean.

5. State whether, while you were an attendant, the attendants were at liberty to impose, or in the habit of imposing, restraints upon, or administering the shower bath, &c. to, the patients at their own discretion; if not, under what restrictions and authority were such things done?

The attendants never were at liberty at their own discretion to administer the shower bath; and we often found fault with Dr. Stribling among ourselves for not administering it when we thought the violence required it, but he did not. I have known the shower bath to be occasionally administered by attendants without the direction of Dr. Stribling or his assistants, but it was without their knowledge also. There was no attendant that felt himself at liberty, at his own discretion, to impose restraints upon the patients. It would often happen that an attendant would, sometimes with and sometimes without assistance, put the muffs upon a patient who would become violent, and employ himself in destroying the window glasses and furniture, or in assailing the other patients, and this without the previous direction of the superintendant or his assistants, but it was the habit in such cases to go and report the fact to the superior officers; and indeed it could not be otherwise, as they would in their rounds enquire into such restraints, and thus ascertain whether improprieties had been practised with regard thereto—and further says not.

PATRICK McNAMARA.

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*Corporation of Staunton, to wit:*

This day Patrick McNamara personally appeared before me, a justice of the peace for the corporation aforesaid, and made oath that the above answers are true.

Given under my hand this 22d December 1852.

JAMES H. SKINNER, J. P.

## REV. THOMAS T. CASTLEMAN'S TESTIMONY.

*Interrogatories propounded to the Rev. Thomas T. Castleman by a Committee of the Board of Directors of the Western Lunatic Asylum.*

1. How long have you been rector of Trinity church, Staunton, and how long have you been officiating on Sundays at the Western lunatic asylum?

I have been rector of the church in Staunton about nine years, and in the habit of officiating as one of the chaplains of the asylum about seven years.

2. Did Capt. Victor M. Randolph ever write to you while his son was an inmate of the Western lunatic asylum, "urging you to go and see him and minister to his spiritual wants?" If so, state whether you ever made application to be allowed to see him, and whether you were ever refused permission to do so.

Capt. Randolph wrote me only once respecting his son, after placing him in the asylum. The only thing in his letter which bears at all on the point in question here, I quote in his own words: "I think religion has something to do with his present fit of insanity—that he is conscious of having done something in violation of God's laws, and that it is *this* that preys upon his mind. Do communicate my suspicions to Dr. Stribling. It is my opinion that some time soon he may be so far restored to reason, as to render it proper to speak to him on the subject. But of this the doctor and yourself must judge." I did not ask to visit young Mr. Randolph to administer to his spiritual wants, because I knew he was not "so far restored as to render it proper to speak to him on the subject." Having never asked to see him, of course I was never refused.

3. State whether you ever sought to administer religious consolation or instruction to any inmate of the asylum and were denied your request?

Permission has always been cheerfully given me whenever I have asked to give religious consolation or instruction to any inmate of the asylum.

T. T. CASTLEMAN.

## REV. BENJ. M. SMITH'S TESTIMONY.

*Interrogatories propounded to the Rev. Benj. M. Smith, by a Committee of the Board of Directors of the Western Lunatic Asylum.*

1. How long have you been pastor of the Presbyterian church in Staunton, and how long have you been officiating on Sundays at the Western lunatic asylum?  
Seven years.

2. State whether you ever sought to administer religious consolation or instruction to any inmate of the asylum, and were denied your request?

Never, except when I had reason to approve the denial, as entirely accordant with my own views of propriety or my knowledge of the case.

B. M. SMITH.

At a meeting of a board of directors of the Western lunatic asylum at Staunton, October 18th, 1852:

Present—Samuel Clarke, president, James Crawford, James H. Skinner, William A. Abney, William Smith, Nicholas C. Kinney:

The president of the board presented the following communication from Francis T. Stribling, superintendent and physician of the asylum:

WESTERN LUNATIC ASYLUM,  
October 15, 1852.

SAMUEL CLARKE, Esq. *President.*

DEAR SIR,

I have just met *accidentally* with a pamphlet, published by "V. M. Randolph, U. S. N.," purporting to expose "some of the abuses and cruelties now existing and practiced in the Staunton Va. insane asylum." I lose no time in apprising you, and through you, the board of directors, that such a publication has been made, and asking the attention of the board thereto.

Pardon me for suggesting that you convene a board as early as practicable, to consider what action shall be had in the premises, and I take this occasion to beg, that in so far as I am officially complained of, the most *thorough and sifting* investigation be had by the directors.

Very respectfully, yours,

FRANCIS T. STRIBLING,  
*Phys'n and Sup't W. L. A.*

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On this communication is endorsed as follows:

The steward will summon a meeting of the board on the 18th instant.

SAM'L CLARKE, *President.*

After the reading of the communication above stated, the following resolution was offered and unanimously adopted:

Resolved, that the foregoing communication, together with the pamphlet therein mentioned, be referred to Thomas J. Michie, James H. Skinner and William A. Abney, a special committee, who are required to investigate the charges contained in said pamphlet, and report thereon to this board at as early a day as practicable.

And at a meeting of the board on the 1st day of November 1852:

On motion of Mr. Michie, he was excused from serving on the committee appointed on the 18th of October last, to investigate certain charges against the asylum, and William H. Harman was substituted in his place.

And at a meeting of the board on Saturday, the 27th day of November 1852:

On the motion of William H. Harman to be excused from serving on the committee on which he was appointed on the 1st inst., and stating that he expects to leave the state, and shall be absent during the next month, it is ordered that he be excused, and that Thomas P. Eskridge be appointed in his place.

A copy—Teste,

NICHO. C. KINNEY, *Clerk.*

[DOC. No. XLVII.]

A STATEMENT

SHewing THE

TAXES ASSESSED

IN THE

COMMONWEALTH OF VIRGINIA,

FOR THE

YEARS 1851 & 1852.





AUDITOR'S OFFICE, RICHMOND,  
January 12, 1853.

SIR,

Herewith you will find a statement showing the amount of taxes assessed in each county of the commonwealth, for the years 1851 and 1852, on persons, property and subjects other than the tax on licenses, and the number of cattle, sheep and hogs, and their value, for the year 1852, arranged according to the four grand divisions of the commonwealth, prepared in compliance with a resolution of the senate adopted on the 4th January 1853.

I am, with high respect,  
Your ob't serv't,

RO. JOHNSTON,  
*Aud. Pub. Acc'ts.*

HON. S. F. LEAKE,  
*Pres't. of the Senate.*



## A STATEMENT

*Showing the Amount of Taxes assessed in each county of the Commonwealth for the years 1851 and 1852, on Persons, Property and subjects other than the Tax on Licenses, and the number of Cattle, Sheep and Hogs, and their value, for the year 1852, arranged in the four grand divisions of the Commonwealth; in compliance with a resolution adopted by the Senate on the 4th January 1853.*

NOTE.—It will be recollected that the valuation of cattle, sheep and hogs does not afford the data to ascertain the amount of tax accruing to the state from such sources. That tax is controlled by the number of persons entitled to the exemption of \$100 on cattle, sheep and hogs, or a fractional part thereof, where such persons owned less in value than \$100.

## FIRST DIVISION.

COUNTIES.	Amount of Taxes assess'd in 1851.	Amount of Taxes assess'd in 1852.	No. of cattle, Sheep & Hogs, 1852.	Value of Cattle, Sheep and Hogs, 1852.
Barbour, - - -	1924 17	3085 56	26561	116437 00
Braxton, - - -	866 94	1523 53	22049	64397 00
Boone, - - -	481 88	926 26	12708	40441 00
Brooke, - - -	2638 46	3775 08	39081	69397 00
Cabell, - - -	2072 35	3253 54	11960	31633 00
Carroll, - - -	925 10	1599 50	21086	62077 00
Craig, - - -	853 08	1343 56	11989	38391 00
Doddridge, - - -	792 87	1276 70	10061	36928 00
Fayette, - - -	861 99	1402 83	15918	48792 00
Floyd, - - -	1198 67	2076 92	23551	69777 00
Grayson, - - -	1222 25	1959 73	23221	51291 00
Greenbrier, - - -	5100 19	8021 67	37518	220243 00
Giles, - - -	1533 27	2355 81	19258	72385 00
Gilmer, - - -	1398 32	2261 88	15597	45035 55
Hancock, - - -	1417 43	2152 41	21968	49949 00
Harrison, - - -	4866 04	7475 68	36881	190672 00
Jackson, - - -	2137 88	3239 66	21544	61811 00
Kanawha, - - -	5455 19	7835 06	22343	94396 00
Lee, - - -	2177 81	3591 91	30025	107935 00
Lewis, - - -	1899 17	3209 90	19695	75782 00
Logan, - - -	449 33	1018 72	19461	77757 00
Mason, - - -	3434 99	4930 43	28505	106917 50
Marshall, - - -	2878 27	4403 85	21360	74138 00
Marion, - - -	3523 31	5620 40	25809	97062 00
Mercer, - - -	829 38	1420 70	13750	27682 00
Monongalia, - - -	4244 91	6371 61	32800	172409 00
Monroe, - - -	3975 87	6892 13	38957	162782 00
Montgomery, - - -	3001 20	4703 05	-	112257 00
Nicholas, - - -	1005 34	1772 99	21683	72633 00
Ohio, - - -	10471 85	12238 07	37668	119294 00
Pleasants, - - -	545 33	878 80	7641	25071 79
Preston, - - -	2487 53	3738 41	32339	112004 00
Pocahontas, - - -	1573 03	2593 88	22223	105319 00
Pulaski, - - -	1947 71	3390 43	22273	107145 00
Putnam, - - -	1367 78	2123 71	15002	48394 00
Raleigh, - - -	407 54	717 30	9605	30754 45

COUNTIES.	Amount of Taxes assess'd in 1851.	Amount of Taxes assess'd in 1852.	No. of Cattle, Sheep & Hogs, 1852.	Value of Cattle, Sheep and Hogs, 1852.
Randolph, - - -	1859 09	3028 20	20647	111301 00
Ritchie, - - -	1127 19	1706 15	15498	46749 00
Russell, - - -	2076 86	3640 16	44581	174836 00
Scott, - - -	1587 34	2670 42	39679	104773 00
Smyth, - - -	2903 99	4440 97	33865	74062 00
Taylor, - - -	1616 83	2624 18	16297	70347 00
Tazewell, - - -	2562 46	4173 87	44586	169056 00
Tyler, - - -	1293 92	1921 72	14617	44684 00
Upshur, - - -	1399 63	2388 27	15952	69647 00
Washington, - - -	5400 41	8365 46	59409	158884 00
Wayne, - - -	1031 52	1842 13	14772	33002 00
Wetzel, - - -	1059 67	1587 66	10039	32819 00
Wirt, - - -	826 12	1372 33	11635	34881 00
Wood, - - -	2740 92	4291 48	21571	68002 00
Wyoming, - - -	266 45	569 68	8214	34071 00
Wythe, - - -	4274 15	7065 05	44557	167112 00
	\$ 113692 98	\$ 176869 45	1208009	\$ 4393615 29

## SECOND DIVISION.

COUNTIES.	Amount of Taxes assess'd in 1851.	Amount of Taxes assess'd in 1852.	No. of Cattle, Sheep & Hogs, 1852.	Value of Cattle, Sheep and Hogs, 1852.
Alleghany, - - -	1217 92	1821 80	8591	34820 00
Augusta, - - -	15689 91	23816 78	61378	320297 00
Bath, - - -	1617 86	2314 77	13206	69240 00
Berkeley, - - -	7742 10	10752 92	38542	118529 00
Botetourt, - - -	4904 19	7052 87	27217	98338 00
Clarke, - - -	8599 87	8688 74	20701	106860 00
Frederick, - - -	10174 33	14610 95	29809	131574 00
Hampshire, - - -	5294 92	8121 36	40590	204863 00
Hardy, - - -	4418 04	7120 28	25309	226368 00
Highland, - - -	2036 36	3300 00	22542	64736 00
Jefferson, - - -	13065 69	17303 16	29696	142051 00
Morgan, - - -	1205 60	1783 51	9296	34392 80
Page, - - -	3228 58	5086 53	17970	72936 00
Pendleton, - - -	1798 69	3014 17	27983	129831 00
Roanoke, - - -	3639 45	5422 05	20556	74162 00
Rockbridge, - - -	7262 04	11157 87	39682	160612 00
Rockingham, - - -	11430 31	18147 03	51749	254441 00
Shenandoah, - - -	6490 12	9981 74	31313	137569 00
Warren, - - -	3000 79	4488 57	12924	62407 00
	\$ 112816 77	\$ 163985 10	529054	\$ 2444026 80

## THIRD DIVISION.

COUNTIES.	Amount of Taxes assessed in 1851.	Amount of Taxes assessed in 1852.	No. of Cattle, Sheep & Hogs, 1852.	Value of Cattle, Sheep and Hogs, 1852.
Albemarle, - - -	13110 35	17767 22	47396	211135 00
Amelia, - - -	4114 15	5968 11	18543	57486 00
Amherst, - - -	4544 51	6756 45	23799	96331 00
Appomattox, - - -	3004 50	4428 76	17359	52850 00
Bedford, - - -	7408 94	11499 03	42596	159757 00
Brunswick, - - -	5255 57	6878 28	36286	85467 00
Buckingham, - - -	5937 51	8440 34	27799	90614 00
Campbell, - - -	13704 93	17927 40	26930	88619 00
Charlotte, - - -	7286 60	10356 00	30747	80770 00
Culpeper, - - -	5921 40	8475 37	31409	115945 00
Cumberland, - - -	4413 24	6025 51	17185	58699 00
Dinwiddie, - - -	4064 20	5377 32	26682	74890 00
Fauquier, - - -	12788 57	18313 58	59188	354994 00
Franklin, - - -	4403 68	7327 33	39374	125342 00
Fluvanna, - - -	3902 85	5857 98	7228	64254 00
Greene, - - -	1534 32	2388 54	9056	10205 00
Goochland, - - -	5153 89	7337 73	16103	69028 00
Halifax, - - -	10342 50	14685 05	49692	127289 00
Henry, - - -	2405 94	3597 62	17756	54244 00
Loudoun, - - -	16744 99	24410 97	60052	362625 00
Louisa, - - -	7024 26	10891 56	23789	110018 00
Lunenburg, - - -	3963 09	5826 30	19511	22324 00
Madison, - - -	5766 66	6223 13	22801	81682 00
Mecklenburg, - - -	8437 23	11883 18	41018	106811 00
Nelson, - - -	4743 34	6793 27	25019	88720 00
Nottoway, - - -	3674 24	5107 00	18111	60337 00
Orange, - - -	4885 27	6863 02	-	80093 00
Patrick, - - -	1694 45	3406 79	21700	59384 00
Pittsylvania, - - -	8965 92	13227 28	52551	136645 00
Prince Edward, - - -	5457 45	8148 66	19982	62014 00
Powhatan, - - -	4068 25	5758 72	15612	58435 00
Rappahannock, - - -	4040 15	5901 84	22947	110234 00
	\$198962 95	\$ 283854 34	888221	\$ 3317241 00

## FOURTH DIVISION.

COUNTIES.	Amount of Taxes assessed in 1851.	Amount of Taxes assessed in 1852.	No. of Cattle, Sheep & Hogs, 1852.	Value of Cattle, Sheep and Hogs, 1852.
Alexandria, - - -	8339 22	10580 27	786	8974 00
Accomack, - - -	6914 66	9732 37	30542	100765 00
Caroline, - - -	7166 60	9800 47	18615	73971 00
Charles City, - - -	2415 61	3310 06	7199	34242 00
Chesterfield, - - -	8411 90	11282 85	21276	91906 00
Essex, - - -	4632 31	6317 63	11217	46457 00
Elizabeth City, - - -	1831 41	2510 54	5892	26439 00
Fairfax, - - -	5437 30	7842 56	19573	98726 00
Greensville, - - -	2157 48	2934 36	15704	38265 00
Gloucester, - - -	3998 95	5470 13	16065	63796 00
Hanover, - - -	6477 43	9117 33	20228	99923 00
Henrico, - - -	8880 15	12713 25	11532	75676 00
Isle of Wight, - - -	3479 97	5273 55	22487	70892 00
James City, - - -	1512 33	2192 07	7366	30487 00
King George, - - -	2855 69	3808 61	8943	36008 00
King & Queen, - - -	4271 33	5755 49	16237	49408 00
King William, - - -	3788 52	5941 07	11912	35368 00
Lancaster, - - -	2097 59	2926 67	8675	30140 00
Mathews, - - -	1785 04	2331 23	8301	30276 00
Middlesex, - - -	1905 39	2604 79	8279	30374 00
Nansemond, - - -	4322 67	6217 59	27489	57686 00
New Kent, - - -	2177 44	2965 33	8237	32424 00
Norfolk County, - - -	8579 53	10837 56	21383	69993 00
Northampton, - - -	3693 58	4882 24	14960	41308 00
Northumberland, - - -	2500 45	3657 94	11012	38253 00
Prince George, - - -	4258 34	5311 98	10588	41209 00
Princess Anne, - - -	2700 98	4117 13	25031	95578 00
Prince William, - - -	3549 49	5231 05	14824	96034 00
Richmond, - - -	2076 02	2896 51	10055	37367 00
Stafford, - - -	3005 81	4715 84	13214	61227 50
Southampton, - - -	5038 38	6870 84	38580	92934 00
Spotsylvania, - - -	8922 31	11831 65	18108	79159 00
Surry, - - -	2296 85	3150 32	11757	30613 25
Sussex, - - -	3608 74	4706 79	26652	74135 00
Warwick, - - -	733 10	1091 74	4768	15957 00
Westmoreland, - - -	2974 58	3923 53	11386	36209 00
York, - - -	1977 34	2425 37	8399	36709 00
Norfolk City, - - -	14960 02	15159 67	158	2447 00
Petersburg, - - -	11914 72	15611 95	27	478 00
Richmond, - - -	33843 16	37466 81	407	8554 00
Williamsburg, - - -	963 26	901 30	263	2188 00
	\$ 212455 65	\$ 273503 11	539890	\$ 2020555 75
RECAPITULATION.				
First division, - - -	113692 98	176869 45	1208009	4393615 29
Second " - - -	112816 77	163985 10	529054	2444026 80
Third " - - -	198962 95	283854 34	888221	3317241 00
Fourth " - - -	212455 65	273503 11	539890	2020555 75
	\$ 637928 35	\$ 901177 33	3173411	\$ 12175438 84
West of Blue Ridge, - - -	226509 75	340854 55	1737063	6837642 09
East " - - -	411418 60	560322 78	1436348	5337796 75
	\$ 637928 35	\$ 901177 33	3173411	\$ 12175438 84

RO. JOHNSTON,  
Aud. Pub. Acc'ts.

Auditor's Office, Richmond, Jan. 12, 1853.

[DOC. No. XLVIII.]

NUMBER

OF

CATTLE, SHEEP AND HOGS,

IN THE SEVERAL

COUNTIES & CORPORATIONS OF VA.

THEIR

ASSESSED VALUE, AND THE TAX THEREON,

FOR

1852.





## A STATEMENT

*Of the Number of Cattle, Sheep and Hogs returned by the Commissioners of the Revenue for the year 1852, for each County and Corporation of the Commonwealth, the assessed Value thereof, and Tax thereon, arranged according to the grand Divisions of the State, as fixed by the Constitution of 1830-31—prepared in compliance with a Resolution adopted by the House of Delegates on the 23d November 1852.*

COUNTIES AND CITIES.	Number.	Valuation.	Tax on Valuation. at 18c. on each \$100.
Barbour, - - - - -	26561	\$ 116437 00	\$ 209 58
Braxton, - - - - -	22049	64397 00	115 91
Boone, - - - - -	12708	40441 00	72 79
Brooke, - - - - -	39081	69397 00	124 91
Cabell, - - - - -	11960	31633 00	56 93
Carroll, - - - - -	21086	62077 00	111 73
Craig, - - - - -	11989	38391 00	69 10
Doddridge, - - - - -	10061	36928 00	66 47
Fayette, - - - - -	15918	48792 00	87 82
Floyd, - - - - -	23551	69777 00	125 59
Grayson, - - - - -	23221	51291 00	92 32
Greenbrier, - - - - -	37518	220243 00	396 43
Giles, - - - - -	19258	72385 00	130 29
Gilmer, - - - - -	15597	45035 55	81 06
Hancock, - - - - -	21968	49949 00	89 90
Harrison, - - - - -	36881	190672 00	343 20
Jackson, - - - - -	21544	61811 00	111 25
Kanawha, - - - - -	22343	94396 00	169 91
Lee, - - - - -	30025	107935 00	194 28
Lewis, - - - - -	19695	75782 00	136 40
Logan, - - - - -	19461	77757 00	139 96
Marion, - - - - -	25809	97062 00	174 71
Marshall, - - - - -	21360	74138 00	133 44
Mason, - - - - -	28505	106917 50	192 45
Mercer, - - - - -	13750	27682 00	49 82
Monongalia, - - - - -	32800	172409 00	310 33
Monroe, - - - - -	38957	162782 00	293 00
Montgomery, - - - - -	-	112257 00	202 06
Nicholas, - - - - -	21683	72633 00	130 73
Ohio, - - - - -	37668	119294 00	214 72
Pleasants, - - - - -	7641	25071 79	45 12
Preston, - - - - -	32339	112004 00	201 60
Pocahontas, - - - - -	22223	105319 00	189 57
Pulaski, - - - - -	22273	107145 00	192 86
Putnam, - - - - -	15002	48394 00	87 10
Raleigh, - - - - -	9605	30754 45	55 35
Randolph, - - - - -	20647	111301 00	200 34
Ritchie, - - - - -	15498	46749 00	84 14
Russell, - - - - -	44581	174836 00	314 70
Scott, - - - - -	39679	104773 00	188 59
Smyth, - - - - -	33865	74062 00	133 31
Taylor, - - - - -	16297	70347 00	126 62
Tazewell, - - - - -	44586	169056 00	304 30
Tyler, - - - - -	14617	44684 00	80 43
Upshur, - - - - -	15952	69647 00	125 36
Washington, - - - - -	59409	158884 00	285 99
Wayne, - - - - -	14772	33002 00	59 40
Wetzel, - - - - -	10039	32819 00	59 07
Wirt, - - - - -	11635	34881 00	62 78
Wood, - - - - -	21571	68002 00	122 40
Wyoming, - - - - -	8214	34071 00	61 32
Wythe, - - - - -	44557	167112 00	300 80
	1208009	4393615 29	7908 24

COUNTIES AND CITIES.	Number.	Valuation.	Tax on Valuation, at 18c. on each \$100.
Alleghany, - - - -	8591	\$ 34820 00	\$ 62 67
Augusta, - - - -	61378	320297 00	576 53
Bath, - - - -	13206	69240 00	124 63
Berkeley, - - - -	38542	118529 00	213 35
Botetourt, - - - -	27217	98338 00	177 00
Clarke, - - - -	20701	106860 00	192 34
Frederick, - - - -	29809	131574 00	236 83
Hampshire, - - - -	40590	204863 00	368 75
Hardy, - - - -	25309	226368 00	407 46
Highland, - - - -	22542	64736 00	116 52
Jefferson, - - - -	29696	142051 00	255 69
Morgan, - - - -	9296	34392 80	61 90
Page, - - - -	17970	72936 00	131 28
Pendleton, - - - -	27983	129831 00	233 69
Roanoke, - - - -	20556	74162 00	133 49
Rockbridge, - - - -	39682	160612 00	289 10
Rockingham, - - - -	51749	254441 00	457 99
Shenandoah, - - - -	31313	137569 00	247 62
Warren, - - - -	12924	62407 00	112 33
	529054	2444026 80	4399 17

COUNTIES AND CITIES.	Number.	Valuation.	Tax on Valuation, at 18c. on each \$100.
Albemarle, - - - -	47396	\$ 211135 00	\$ 380 04
Amelia, - - - -	18543	57486 00	103 47
Amherst, - - - -	23799	96331 00	173 39
Appomattox, - - - -	17359	52850 00	95 13
Bedford, - - - -	42596	159757 00	287 56
Brunswick, - - - -	36286	85467 00	153 84
Buckingham, - - - -	27799	90614 00	163 10
Campbell, - - - -	26930	88619 00	159 51
Charlotte, - - - -	30747	80770 00	145 38
Culpeper, - - - -	31409	115945 00	208 70
Cumberland, - - - -	17185	58699 00	105 65
Dinwiddie, - - - -	26682	74890 00	134 80
Fauquier, - - - -	59188	354994 00	638 98
Franklin, - - - -	39374	125342 00	225 61
Fluvanna, - - - -	7228	64254 00	115 65
Greene, - - - -	9056	10205 00	18 36
Goochland, - - - -	16103	69028 00	124 25
Halifax, - - - -	49692	127289 00	229 12
Henry, - - - -	17756	54244 00	97 63
Loudoun, - - - -	60052	362625 00	652 72
Louisa, - - - -	23789	110018 00	198 03
Lunenburg, - - - -	19511	22324 00	40 18
Madison, - - - -	22801	81682 00	147 02
Mecklenburg, - - - -	41018	106811 00	192 25
Nelson, - - - -	25019	88720 00	159 69
Nottoway, - - - -	18111	60337 00	108 60
Orange, - - - -	-	80093 00	144 16
Patrick, - - - -	21700	59384 00	106 89
Pittsylvania, - - - -	52551	136645 00	245 96
Prince Edward, - - - -	19982	62014 00	111 62
Powhatan, - - - -	15612	58435 00	105 18
Rappahannock, - - - -	22947	110234 00	198 42
	888221	3317241 00	5970 89

COUNTIES AND CITIES.	Number.	Valuation.	Tax on Valuation, at 18c. on each \$100.
Alexandria, - - - -	786	\$ 8974 00	\$ 16 15
Accomack, - - - -	30542	100765 00	181 37
Caroline, - - - -	18615	73971 00	133 14
Charles City, - - - -	7199	34242 00	61 63
Chesterfield, - - - -	21276	91906 00	165 43
Essex, - - - -	11217	46457 00	83 62
Elizabeth City, - - - -	5892	26439 00	47 59
Fairfax, - - - -	19573	98726 00	177 70
Greensville, - - - -	15704	38265 00	68 87
Gloucester, - - - -	16065	63796 00	114 83
Hanover, - - - -	20228	99923 00	179 86
Henrico, - - - -	11532	75676 00	136 21
Ile of Wight, - - - -	22487	70892 00	127 76
James City, - - - -	7366	30457 00	54 87
King George, - - - -	8943	36008 00	64 81
King & Queen, - - - -	16237	49408 00	88 93
King William, - - - -	11912	35368 00	63 66
Lancaster, - - - -	8675	30140 00	54 25
Mathews, - - - -	8301	30276 00	54 49
Middlesex, - - - -	8279	30374 00	54 67
Nansemond, - - - -	27489	57686 00	103 83
New Kent, - - - -	8237	32424 00	58 36
Norfolk County, - - - -	21383	69993 00	125 98
Northampton, - - - -	14960	41308 00	74 35
Northumberland, - - - -	11012	36253 00	65 25
Prince George, - - - -	10588	41209 00	74 17
Princess Anne, - - - -	25031	95578 00	172 04
Prince William, - - - -	14824	96034 00	172 86
Richmond, - - - -	10055	37367 00	67 26
Stafford, - - - -	13214	61227 50	110 20
Southampton, - - - -	38580	92934 00	167 28
Spotsylvania, - - - -	18108	79159 00	142 48
Surry, - - - -	11757	30613 25	55 10
Sussex, - - - -	26652	74135 00	133 44 ●
Warwick, - - - -	4768	15957 00	28 72
Westmoreland, - - - -	11386	36209 00	65 17
York, - - - -	8399	36709 00	66 07
Norfolk City, - - - -	158	2447 00	4 40
Petersburg, - - - -	27	478 00	86
Richmond, - - - -	407	8554 00	15 39
Williamsburg, - - - -	263	2188 00	3 93
	548127	2020555 75	3636 99

## RECAPITULATION.

	Number.	Value.	Tax.
First division, west of the Alleghany,	1208009	\$ 4393615 29	\$ 7908 24
Second " Valley, - -	529054	2444026 80	4399 17
Third " between the Blue Ridge	888221	3317241 00	5970 89
and tidewater, - -	548127	2020555 75	3636 99
Fourth division, from tidew'r to sea,	3173411	12175438 84	21915 29
West of Blue Ridge, - -	1737063	6837642 09	12307 41
East " - -	1436348	5337796 75	9607 88
	3173411	12175438 84	21915 29

*Notes.*—An examination of the foregoing statement will show that the third column has been filled up by extending 18 cents on each hundred dollars of value embraced in the second; this, however, affords no clue to the actual tax derived from cattle, sheep and hogs, because of the exemptions granted by law; for example, 100 persons owning each cattle, sheep and hogs to the value of \$ 100, would show on the commissioners' books a value of \$ 10,000; but each of those persons being entitled to an exemption of \$ 100, this \$ 10,000 would pay no tax. On the other hand, 5 persons owning similar property of the aggregate value of \$ 10,000, being entitled to exemptions amounting to \$ 500, would pay a tax on \$ 9,500.

RO. JOHNSTON,  
Aud. Pub. Acc'ts.

Auditor's Office, Richmond, Jan. 18, 1853.



[DOC. No. XLIX.]

STATEMENT

OF THE

CONDITION

OF

THE BANK OF VIRGINIA,

AND OF THE

MANUFACTURERS AND FARMERS BANK.

1852-3.





**EXECUTIVE DEPARTMENT,**  
**JANUARY 26, 1853.**

**SIR,**

I transmit herewith, for the information of the general assembly, statements of the condition of the Bank of Virginia, and of the Manufacturers and Farmers Bank of Wheeling on the first instant.

Very respectfully,

Yours, &c.

**JOS. JOHNSON.**

*To the Speaker of the House of Delegates.*



**BANK OF VIRGINIA.**



BANK OF VIRGINIA, *Richmond,*  
January 12, 1863.

SIR,

I transmit herewith, as required by law, the quarterly statement of the condition of the Bank of Virginia, as it existed on the 1st instant.

I am,

Very respectfully,

Your ob't serv't,

SAM'L MARX, *Cashier.*

*His Excellency* Jos. JOHNSON,  
*Governor of Virginia.*

*General state of the Bank of Virginia and Branches on 1st*

RESOURCES.	1852—January 1.	1853—January 1.
Outstanding debt, - - - -	4833255 42	4996477 78
Real estate, - - - -	168052 06	162709 21
Sterling bills, - - - -	14785 04	466 67
Stocks, - - - -	136905 00	138244 00
Specie, - - - -	759615 56	759123 55
Notes and checks of other banks, - - - -	124135 91	141490 58
Due from other banks, - - - -	266028 12	593734 07
Defalcation at Lynchburg, - - - -	14683 89	
Loss by robbery in \$100 notes of Portsmouth office, not to be redeemed, - - - -	-	18900 00
Balances in transitu, - - - -	14980 07	59350 97
	<b>\$ 6332441 07</b>	<b>6370496 83</b>

*January 1853, compared with the 1st January 1852.*

LIABILITIES.	1852—January 1.	1853—January 1.
Capital stock, - - - -	2580900 00	2580900 00
Profit and loss, - - - -	328902 72	279705 64
Discounts, interest, &c. at branches since 1st December, less expenses, - - - -	12802 63	13887 65
Circulation, - - - -	2101657 57	2382317 83
Due to other banks, - - - -	190693 17	171507 70
Deposit money, - - - -	1117484 98	1442178 01
	<u>\$ 6332441 07</u>	<u>6870496 83</u>

Of the outstanding debt, there is estimated as bad,	-	19,025 03
as doubtful,	-	25,701 95
		<u>\$ 44,726 98</u>

Amount to the credit of profit and loss on 1st January 1853,	-	279,705 64
Dividend declared on the 4th inst., including bonus to the state, $4\frac{1}{4}$ per cent.	-	109,688 25

Leaving a surplus of	-	170,017 39
There has been applied from the surplus profits for the remainder of the defalcation at Lynchburg,	14,326 23	
And on account of loss by robbery at the Portsmouth branch,	51,161 60	
		<u>65,487 83</u>

Surplus on 1st January 1852 was	-	<u>\$ 219,214 47</u>
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**MANUFACTURERS & FARMERS BANK.**



MANUFACTURERS AND FARMERS BANK OF WHEELING,  
*Wheeling, January 17, 1853.*

*His Excellency Gov. Jos. JOHNSON, Richmond.*

DEAR SIR,

In conformity with the law, permit me, sir, to hand our *January statement* for your consideration; hoping it may be satisfactory.

I am, very respectfully,

JNO. LIST, *Cashier.*

*Statement of the Manufacturers and*


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ASSETS:				
Virginia bonds, 6 per cent.	-	-	-	210,000 00
Premiums or cost above par,	-	-	-	6,353 00
Banking-house,	-	-	-	5,819 19
Commonwealth of Virginia, interest on bonds,	-	-	-	6,300 00
Expense and postage,	-	-	-	2,629 94
Protest,	-	-	-	17 40
Bills discounted—foreign,	-	76,756 82	-	
domestic,	-	72,353 08	-	
				149,109 90
Due by bank and bankers,	-	-	-	13,377 04
Cash on hand, Virginia bank notes,	-	-	700 00	
For bank notes and checks,	-	-	7,952 00	
Gold,	-	-	42,500 00	
Silver,	-	-	5,516 67	
				56,668 67
				<u>\$ 450,275 14</u>

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*Farmers Bank of Wheeling January 1st, 1853.*

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**LIABILITIES:**

Capital stock,	-	-	-	-	155,000 00
Interest,	-	-	11,021 44	-	
Exchange,	-	-	1,171 65	-	
			<hr/>		12,193 09
Profit and loss,	-	-	-	-	7,401 02
Bills in circulation,	-	-	-	-	210,000 00
Due to banks and bankers,	-	-	-	-	7,305 29
J. List, cashier,	-	-	-	-	614 87
On certificate of deposit,	-	-	-	-	19,418 00
To individual depositors,	-	-	-	-	38,442 87

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**\$ 450,275 14**

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Signatures of directors :

JNO. McLURE, Jr.  
TH. HUGHES,  
GEORGE MENDEL,  
ROBERT GIBSON,  
HUGH NICHOLS.

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OHIO COUNTY, ss :

Personally appeared before me, the subscriber, a notary public for the commonwealth of Virginia, John List, cashier, who, being duly sworn according to law, deposeth and saith that the above statement is correct, to the best of his knowledge.

'Given under my hand this 17th day of January 1853.

JNO. R. DICKEY, N. P.

[DOC. No. L.]

# COMMUNICATION

RELATIVE TO

## SITE FOR U. S. CUSTOM-HOUSE, ETC.

187

• THE CITY OF RICHMOND.

1852-3.





EXECUTIVE DEPARTMENT,  
JANUARY 26, 1853.

*To the General Assembly of Virginia.*

I have received from the acting secretary of the treasury of the United States a communication, a copy of which is herewith enclosed, stating that at the last session of congress an appropriation was made to purchase a site and construct a suitable building for a custom-house, post-office, court-rooms and other offices of the United States in the city of Richmond, and requesting the passage of an act giving the consent of the state to the purchase upon the conditions annexed to the appropriation. I ask the early attention of the general assembly to the subject.

Very respectfully, &c.

JOS. JOHNSON.



**TREASURY DEPARTMENT,**  
**JANUARY 22, 1853.**

**SIR,**

At the last session of congress an appropriation was made to purchase a site and construct a suitable building for a custom-house, post-office, court-rooms and other offices of the United States at Richmond, Va.

By the joint resolution of congress, approved September 11th, 1848, it is required that the consent of the state in which the property may be, shall be given to the purchase before the purchase money can be paid, and by a proviso to the appropriation it is also required that the lot and building shall be exempted from city and all other taxes whatever by the legislature of Virginia.

I would therefore respectfully request that you will bring the subject to the attention of the legislature, that the necessary law on the subject may be passed, and would also suggest, in order to obviate the necessity of special applications in each particular case that may hereafter arise, that a general statute in relation to the matter be enacted.

The department cannot carry into effect the objects of the appropriation above referred to until the necessary law on the subject shall have been passed by the legislature.

I have the honor to be,

Very respectfully,

Your ob't serv't,

**WM. L. HODGE,**  
*Acting Secretary of the Treasury.*

**HON. JOSEPH JOHNSON,**  
*Governor of Va., Richmond.*







[DOC. No. LI.]

# REPORT

OF THE

SECRETARY BOARD PUBLIC WORKS

RELATIVE TO

## DISPOSITION OF MONEY BY COMPANIES

TO WHOM

LOANS HAVE BEEN MADE BY VIRGINIA.

1852-3.





OFFICE BOARD PUBLIC WORKS,  
RICHMOND, January 25, 1853.

O. M. CRUTCHFIELD, Esq., *Speaker*  
*of the House of Delegates of Virginia.*

SIR,

The Board of public works have directed me to transmit to you the accompanying response to the resolution adopted by the house of delegates on the 7th inst., and to request you to submit the same to that honorable body. To one branch of the resolution they have made no reply, for the reason that there is no information lodged in the archives of the board that would enable them to ascertain whether any of the companies referred to "have applied sums loaned to them by the state to other objects than those contemplated at the time of such loan."

Very respectfully,

Your obedient servant,

W. R. DRINKARD, *Sec'y*  
*Board of P. Works.*



## RESOLUTION

*Adopted by the House of Delegates on the 7th January 1853.*

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**Resolved, That the Board of public works be requested to inform this house, as speedily as may be practicable, whether any, and if any, what railroad, turnpike, canal or other incorporated company is in arrears to the state of Virginia for any amount loaned to it, or for the interest on any such loan; and whether any, and if any, what companies have applied sums loaned to them by the state to other objects than those contemplated at the time of such loan; and also what companies, in which the state is interested in any way, are paying dividends upon their stock, or interest upon their indebtedness to the state.**



## REPORT.

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1. The following companies are in arrears to the state of Virginia on account of loans :

James river and Kanawha company,	-	-	-	\$1,984,645	33
Rappahannock company,	-	-	-	100,000	00
Trustees of the town of Bath—for the road from the mouth of					
Sir Johns run to Bath,	-	-	-	2,500	00
*Richmond and Danville railroad company,	-	-	-	117,000	00
*Orange and Alexandria railroad company,	-	-	-	55,000	00
*Virginia and Tennessee railroad company,	-	-	-	50,000	00
*Virginia Central railroad company,	-	-	-	15,066	48

2. The following companies are in arrears to the state of Virginia on account of the interest on loans made to them :

James river and Kanawha company.  
Rappahanneck company.

3. The following companies, in which the state is interested, are paying dividends upon their stock :

Richmond, Fredericksburg and Potomac railroad company.  
Virginia Central railroad company, (scrip dividend.)  
Dismal Swamp canal company.  
Roanoke navigation company.  
Upper Appomattox company.  
Ashbys gap turnpike company.  
Berryville turnpike company.  
Fincaastle and Blue Ridge turnpike company.  
Hollidays Cove turnpike company.  
Little river turnpike company.  
Pittsylvania and Lynchburg turnpike company.  
Staunton and James river turnpike company.  
White and Salt Sulphur springs turnpike company.  
Warm springs and Harrisonburg turnpike company.  
Jacksons river turnpike company.  
Virginia and Maryland bridge company.  
Millboro' and Carrs creek turnpike company.

\* The loans to these companies are merely temporary, and were made under the 8th section of chapter 67 of the Code of Virginia.

**The following companies are paying interest on their indebtedness to the state :**

**Orange and Alexandria railroad company.**

**Richmond and Danville railroad company.**

**Virginia Central railroad company.**

**Virginia and Tennessee railroad company.**

**Respectfully submitted, by order.**

**W. R. DRINKARD, *Sec'y***  
***Board of P. Works.***

***January 25, 1853.***

[DOC. No. LII.]

CONDITION

OF THE

NORTHWESTERN BANK OF VIRGINIA,

JANUARY 1853.





EXECUTIVE DEPARTMENT,  
JANUARY 27, 1853.

*To the Speaker of the House of Delegates.*

SIR,

I have the honor to communicate herewith, for the information of the general assembly, a statement of the condition of the Northwestern Bank of Virginia and its branches on the first instant.

Very respectfully,

Yours, &c.

J. JOHNSON.



# **NORTHWESTERN BANK,**

**Quarter ending December 31, 1852.**



NORTHWESTERN BANK OF VIRGINIA,  
*Wheeling, Jan. 20, 1863.*

*His Excellency* Jos. JOHNSON,  
*Governor of Virginia.*

Sir,

I enclose the quarterly return of the condition of this bank and branches.

Most respectfully,

D. LAMB, *Cas.*

*Statement of the Condition of the Northwestern Bank of Virginia, including its  
1853, with a Comparative Statement of the same for the*

	January 1, 1853.	January 1, 1852.
Bills discounted—domestic, - - -	959717 83	887478 20
foreign, - - -	908323 99	862377 68
Unpaid stock at Jeffersonville office, - - -	-	900 00
Stock of this bank, - - -	27200 00	27000 00
Other stocks, - - -	32000 00	25000 00
Banking-houses, - - -	36155 07	30024 37
Other real estate, - - -	10590 00	10440 00
Coin, - - -	461606 14	321492 65
Notes of banks incorporated by this state, - - -	41943 00	32879 00
Notes of other banks, including certificates of deposit and checks, - - -	69680 55	44165 79
Due by other banks and bankers, - - -	376480 39	161272 81
In transit between parent bank and branches, - - -	2718 36	13421 45
	<b>\$ 2926415 33</b>	<b>2415751 95</b>

*Branches at Wellsburg, Parkersburg and Jeffersonville, on the first day of January corresponding period of the preceding year.*

	January 1, 1853.	January 1, 1852.
Capital stock, - - - - -	794100 00	792100 00
Circulation, - - - - -	1728547 00	1320604 00
Deposits, - - - - -	244622 18	187846 23
Due to other banks and bankers. - - - - -	29722 77	29878 65
Dividends for January 1853 and January 1852, - - - - -	39705 00	31694 00
Bonus " " " - - - - -	1965 25	1980 25
Contingent fund, after paying dividend and bonus. - - - - -	87733 13	51683 82
	<b>\$ 2926415 33</b>	<b>2415751 95</b>

*Bills in Circulation.*

					January 1, 1852.	January 1, 1853.
Ones,	-	-	-	-	871	859
Twos,	-	-	-	-	328	318
Fives,	-	-	-	-	730255	1037050
Tens,	-	-	-	-	369440	405860
Twenties,	-	-	-	-	162060	207260
Fifties,	-	-	-	-	57650	77200
					<b>\$1320604</b>	<b>1728647</b>

The profits which accrued during the six months, ending December 31, 1852, from "dealings in exchange," including premiums on exchange sold, and charges for collecting at different points, amounted to \$7,755 62. The last dividend, due January 10, 1853, was five per cent. on the capital. Of the capital stock January 1, 1853, \$794,100, all was paid in.



We certify the foregoing to be correct, to the best of our knowledge and belief.

H. CAMPBELL,  
ROBT. MORRISON,  
A. PAULL,  
R. CRANGLE,  
L. STEENROD,  
TH. JOHNSTON, JR.  
JOHN HUNTER.

*Wheeling, January 20, 1853.*

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OHIO COUNTY, ss:

Before the subscriber, a justice of the peace for Ohio county, in the state of Virginia, this day in my said county came Daniel Lamb, cashier of the North-western Bank of Virginia, and made oath in due form that the foregoing statement is true, to the best of his knowledge and belief.

Given under my hand this 19th day of January 1853.

JAS. H. McMECHEN, J. P.



## REPORT

*Of the Committee to investigate the Affairs of the Northwestern Bank.*

NORTHWESTERN BANK OF VIRGINIA,  
Wheeling, January 4, 1853.

*To the Board of Directors.*

The undersigned, who, according to usage, were appointed a committee to investigate the condition of the bank and make report thereof, to be submitted to the stockholders at their annual meeting, respectfully report to the board:

Having counted the cash on hand at the parent bank, we find the same to amount to \$338,948 65, viz:

American gold coin,	-	-	-	296,972 50	
Foreign " "	-	-	-	1,196 96	
Silver coin,	-	-	-	17,185 43	
Copper coin,	-	-	-	15 00	
			Total coin,		315,369 89
Bank notes of parent bank and branches,	-	-	-	4,365 00	
" of other Virginia banks,	-	-	-	600 00	
" of other states,	-	-	-	7,056 00	
			Total bank notes,		12,021 00
Certificates of deposit and checks on other banks,	-	-	-		11,557 76
					<u>\$ 338,948 65</u>

The amount called for by the books of the bank is \$338,946, being \$2 65 less than the actual amount on hand according to our count.

In addition to the cash on hand, the balances due to the parent bank by other banks and bankers, amount to - - - 278,486 93

Distributed as follows, viz:

At Baltimore, Philadelphia and New York,	-	-	-	166,068 47	
Pittsburg,	-	-	-	8,206 13	
Cincinnati,	-	-	-	42,688 69	
Louisville,	-	-	-	8,329 76	
St. Louis,	-	-	-	4,384 68	
By Virginia banks,	-	-	-	24,035 05	
At other places,	-	-	-	24,754 15	

Making the total cash means at the parent bank on the 1st January 1853, \$ 617,435 58

Though the circulation and liabilities of the bank are larger than usual, the increase, your committee think, is abundantly provided for by the greatly increased amount of cash and cash balances on hand.

The committee have examined the paper payable in Wheeling, discounted by the parent bank, and find the amount thereof as stated on the books (\$522,150 59,) to be correct. The bills payable at other places having been remitted for collection to the several places at which they are payable, could not be submitted to our inspection; but the items of the several bills as registered, produce the same amount which appears on the general ledger, viz: \$790,257 97.

The committee take great pleasure in expressing their satisfaction with the accuracy with which the several books of account appear to be kept.

Finally, in order to ascertain the general condition of the bank, we have, by careful examination and enquiry, endeavored to satisfy ourselves respecting the real value of the assets belonging to it, and proceed to state the result of our estimate.

The contingent fund at the parent bank on the 1st January 1853, exclusive of the profits for the six months ending that day, was	-	-	20,485 36
The profits at the parent bank for the six months ending January 1, 1853, over and above all expenses, were	-	44,266 89	
To pay the dividend of 5 per cent. and bonus of $\frac{1}{4}$ per cent. due January 1853, on the stock of the parent bank, will require	-	-	26,419 00
Leaving to be added to the surplus out of last six months' profits,	-	-	17,847 89
Making a contingent fund at the parent bank, of	-	-	38,333 25
We set down the loss at the parent bank, upon depreciated stocks, bad and doubtful debts, and all other assets, regarding the estimate at the same time as a very liberal one,	-	-	19,850 00
After charging up all probable losses, and after providing for the dividend and bonus due this month, there is an actual surplus at the parent bank, of	-	-	18,483 25
At <i>Wellsburg</i> the contingent fund on the 1st January 1853, exclusive of the profits of the last six months, was	-	15,305 00	
After paying the dividend and bonus on the stock of that branch, there will remain out of their profits for last six months, to be added to their contingent fund,	-	480 25	
Making the surplus at that branch,	-	-	15,785 25
At <i>Parkersburg</i> the contingent fund, exclusive of last six months' profits, was, on the 1st of January 1853,	-	27,322 34	
The profits of the half year will pay the expenses, dividend and bonus, and leave an excess of	-	428 09	
Making the surplus there,	-	-	27,750 43
The latest return from <i>Jeffersonville</i> is dated the 17th December last, at which time the contingent fund was	-	4,712 67	
Deduct for debt considered doubtful,	-	500 00	
	-	4,212 67	
The profits at that date exceeded the expenses and the amount required to pay the dividend and bonus on the stock of that branch,	-	1,780 26	
Making the surplus there,	-	-	5,992 93
We accordingly estimate that there is a real surplus for the whole bank, of	-	-	<u>\$68,011 86</u>

Over and above all probable losses, and after paying the dividend and bonus for January 1853. The stock of the whole bank amounts to \$794,100, of which \$27,200 was on the

1st January 1863, held by the parent bank and branches, leaving \$766,900 in the hands of the stockholders. The estimated actual surplus is equivalent therefore to \$8 87 per share.

We have not endeavored to compute the profit which has doubtless accrued from the circulation of the bank destroyed during the thirty-three years it has been in operation.

Respectfully submitted.

L. STEENROD,  
JOHN HUNTER,  
R. CRANGLE,  
TH. JOHNSTON, JR.  
O. W. HEISKELL.



[DOC. No. LIII.]

NUMBER AND NAMES

OF



COMMISSIONERS OF REVENUE IN VA.

AND THE

NUMBER OF PAGES IN LAND & PROPERTY BOOKS, ETC.

1852-3.





AUDITOR'S OFFICE, RICHMOND,  
January 27, 1853.

SIR,

I send you herewith a statement shewing the number of commissioners of the revenue in each county, city or town entitled to a separate commissioner; the maximum of compensation (exclusive of fees) which may be allowed to each commissioner; the number or other designation of the several districts or the names of the commissioners in 1852; the number of pages in the land and property books respectively, of each district, for the year 1852—prepared in compliance with a resolution agreed to by the house of delegates on the 22d of this month, which I will thank you to present to the body over which you preside.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,  
*Auditor of Public Accounts.*

HON. O. M. CRUTCHFIELD, *Speaker*  
*of the House of Delegates of Va.*

# A STATEMENT

Showing the Number of Commissioners of the Revenue in each County, Town and City entitled by law to a separate Commissioner; the Maximum of Compensation, exclusive of Fees, which may be allowed to each Commissioner; the Number or other Designation of the several Districts or the Name of the Commissioner in 1852; and the Number of Pages of the Land and Property Books respectively of each District—prepared in compliance with a Resolution of the House of Delegates agreed to on the 22d day of January 1853.

Number of Commis- sioners.	COUNTIES.	Maximum of com- pensation, exclusive of fees, which may be paid to each com- missioner.	Number or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.	Number or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.
2	Accomack,	150 00	John A. Bundick,	56	52	W. W. Jacob, St. Geo. parish,	39	51
2	Albemarle,	150 00	Ira Harris, (Fredericks-ville,)	41	43	John A. Foster, St. Anns parish,	41	46
1	Alexandria,	200 00	T. W. Pleasants,	60	56			
1	Alleghany,	150 00	John T. Ellis,	30	23			
1	Annele,	150 00	W. Davis, 1st district,	23	28			
1	Annerst,	200 00	John M. Sidington,	48	55			
1	Appomattox,	150 00	G. Steptoe,	40	35	J. Nelson, 2d district,	69	71
2	Augusta,	150 00	John T. Wilson,	51	58			
1	Barbour,*	150 00	John T. Wilson,	57	57			
1	Bath,	100 00	W. Kelly,	17	11	B. T. Walton,	21	10
2	Bedford,	150 00	W. P. Kyle, district No. 1,	30	41	J. Minter,	58	68
1	Berkeley,	200 00		57	56			
1	Boone,	150 00		19	24			
2	Botetourt,	100 00		28	31	C. L. Alderson,	37	33
1	Braxton,*	150 00		45	33			
1	Brooke,	150 00		28	33			
2	Brunswick,	150 00		14	21	B. B. Wilkes,	21	29
2	Buckingham,	150 00		28	27	G. Moseley, district No. 2,	33	31

1	Cabell,	150 00	-	-	A. L. Wyllie,	39	43	Wm. Organ,	36	37
2	Campbell,	150 00	-	-	C. T. Jesse,	32	37	A. Thornton,	26	32
2	Caroline,	150 00	-	-	-	23	26	-	-	-
1	Carroll,	150 00	-	-	-	46	42	-	-	-
1	Charles City,	150 00	-	-	-	19	23	-	-	-
2	Charlotte,	125 00	-	-	James Garden,	18	24	Thomas Pugh,	14	23
2	Chesterfield,	150 00	-	-	W. G. Flournoy,	41	33	Wm. E. Gill,	35	33
1	Clarke,	150 00	-	-	-	28	32	-	-	-
1	Craig,	150 00	-	-	-	23	19	-	-	-
2	Culpeper,	100 00	-	-	R. C. Brown,	29	24	J. M. Broadus,	26	22
1	Cumberland,	200 00	-	-	-	25	32	-	-	-
1	Dinwiddie,	150 00	-	-	R. G. Boiseau,	20	24	Wm. Bishop,	20	18
2	Dorridge,	150 00	-	-	-	30	23	-	-	-
1	Elizabeth City,	150 00	-	-	-	12	16	-	-	-
1	Essex,	150 00	-	-	-	26	36	-	-	-
1	Fairfax,	200 00	-	-	-	58	66	-	-	-
1	Fauquier,	200 00	-	-	W. F. Turner,	28	36	N. T. Abby,	31	47
2	Fayette,	150 00	-	-	-	23	28	-	-	-
1	Floyd,	150 00	-	-	-	53	44	-	-	-
1	Fluvanna,	150 00	-	-	-	45	43	-	-	-
1	Franklin,*	150 00	-	-	L. H. Powell,	38	41	James Patterson,	33	55
2	Frederick,†	150 00	-	-	T. S. Sangster,	43	36	A. A. Robinson,	40	39
1	Giles,	150 00	-	-	-	42	33	-	-	-
1	Gilmer,	150 00	-	-	-	45	27	-	-	-
1	Gloucester,	150 00	-	-	-	39	33	-	-	-
1	Goochland,	200 00	-	-	-	48	42	-	-	-
2	Grayson,	75 00	-	-	J. M. Atkins, east district,	25	22	S. J. Bryant, west district,	26	18
2	Greenbrier,	150 00	-	-	M. L. Spotts,	38	37	Jesse Mays,	42	38
2	Greene,	150 00	-	-	-	24	23	-	-	-
1	Greensville,	150 00	-	-	-	34	20	-	-	-
2	Halifax,	150 00	-	-	J. B. Sydnor,	40	49	C. H. Davis,	45	57
2	Hampshire,	150 00	-	-	James Candy,	65	45	Thomas Welch,	59	37
2	Hanover,	150 00	-	-	W. H. Winston,	28	32	T. W. Talley,	34	31
2	Hancock,	150 00	-	-	-	24	32	-	-	-
1	Hardy,	100 00	-	-	James Vance,	57	32	E. Muntzing,	46	26
2	Harrison,	100 00	-	-	W. M. Richards,	32	34	Geo. Kayer,	38	35
2	Henrico,	150 00	-	-	J. B. Keesee, upper district,	71	61	John O. Goddin, lower district,	42	27
1	Henry,	150 00	-	-	-	22	40	-	-	-
1	Highland,	150 00	-	-	-	54	29	-	-	-
1	Iale of Wight,	200 00	-	-	-	53	55	-	-	-

Number of Commis- sioners.	COUNTIES.	Maximum of com- pensations, exclusive of fees, which may be paid to each com- missioner.	Number or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.	Number or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.
1	Jackson.	150 00	—	51	49	—	—	—
1	James City,	150 00	—	13	16	—	—	—
1	Jefferson,	200 00	—	66	82	—	—	—
1	Kanawha,	125 00	J. Y. Quarrier, upper district,	29	45	—	W. S. Wilson, lower district,	43
1	King George,	150 00	—	17	20	—	—	—
1	King William,	150 00	—	24	29	—	—	—
1	King & Queen,	200 00	—	34	37	—	—	—
1	Lancaster,	150 00	—	21	19	—	—	—
1	Lee,	100 00	S. H. Duff, east. district,	34	29	—	Ro. Clarke, west. district,	33
2	Lewia,	100 00	—	42	24	—	G. A. Jackson,	23
1	*Logan,	150 00	—	40	25	—	—	—
2	† Loudoun,	—	Books of 1852 not yet received.	—	—	—	—	—
2	Louisa,	150 00	Wm. Crawford,	32	26	—	John R. Quarles,	25
1	Lunenburg,	200 00	—	38	38	—	—	—
1	Madison,	150 00	—	36	33	—	—	—
1	Marion,	100 00	J. Morgan, east. district,	45	29	—	J. S. Smith, west. district,	45
1	Marshall,	150 00	—	50	64	—	—	—
1	*Masotti,	150 00	—	52	51	—	—	—
1	Mathews,	150 00	—	31	28	—	—	—
1	Mecklenburg,	150 00	—	24	35	—	L. E. Finch,	36
1	Mercer,	150 00	—	32	33	—	—	—
1	Middlesex,	150 00	—	19	22	—	—	—
1	Monongalia,	100 00	J. F. John, east. district,	43	37	—	John B. Lough, west. district,	40
2	Monroe,	100 00	J. D. Clark,	45	32	—	R. Pack,	35
2	Montgomery,	100 00	D. M. Bennett, north district,	23	24	—	W. G. Currin, south district,	23
1	Morgan,	150 00	—	28	26	—	—	—
2	Nansemond,	150 00	R. H. B. Denson, lower district,	21	24	—	J. H. Darden, upper district,	41
1	Nelson,	200 00	—	48	47	—	—	—
1	New Kent,	150 00	—	31	20	—	—	—
1	Nicholas,	150 00	—	60	30	—	—	—



Number of Commissioners.	COUNTIES.	Maximum of compensation, exclusive of fees, which may be paid to each commissioner.	Number or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.	No. or other designation of the district or the name of the commissioner.	No. of pages in the land book of 1852.	No. of pages in the property book of 1852.
1	Upshur,	150 00	J. K. Lowry,	46	31	A. Edmondson,	38	46
1	Warren,	150 00		29	33			
1	Warwick,	150 00		8	6			
2	Washington,	150 00		44	42			
1	*Wayne,	150 00		60	32			
1	Westmoreland,	150 00	D. Brown,	26	34	Thomas Saunders,	51	39
1	Wetzel,	150 00		44	28			
1	Wirt,	150 00		24	23			
1	Wood,	150 00		64	62			
1	Wyoming,	150 00		10	11			
2	Wythe,	100 00		35	29			
1	York,	150 00		22	20			
1	Danville,	150 00		13	8			
1	Fredericksburg,	150 00		29	31			
1	Lynchburg,	150 00		36	44			
1	Norfolk City,	150 00	Books of 1852 not yet received.	72	62			
1	Petersburg,	150 00		44	90			
1	Richmond City,	300 00		111	106			
1	Staunton,	75 00		13	15			
1	Wheeling,	150 00		6	7			
1	Williamsburg,	75 00	R. H. Cuthrell,	23	29			
1	Winchester,	150 00		49	44			
1	† Portsmouth,	-						

\* At the session of the general assembly, January 1852, the counties of Braxton, Barbour, Logan, Mason and Wayne were authorized, in future, to appoint two commissioners each, the compensation of the two not to exceed that before paid to the one; and the counties of Franklin, Tazewell and Rockingham were authorized to appoint three commissioners of the revenue, each; in Franklin the compensation is to be \$100 a piece; in Tazewell the compensation of the three is not to exceed \$300; and in Rockingham their maximum compensation will be \$150 a piece. The county of Loudoun is also authorized to appoint three commissioners, the compensation of the three not to exceed \$400.

† The commissioners in the counties of Frederick, Loudoun, Norfolk, Prince William and Patrick have the amount of their compensation regulated by the county court; the Code appropriates to the county of Frederick (exclusive of Winchester) \$950; to the county of Loudoun, \$400; to Norfolk county, \$300; to Patrick, \$200, and Prince William, \$200, leaving it to the county court to divide it among the commissioners of their respective counties, as they deem proper.

Auditor's Office, Richmond, January 27, 1853.

RO. JOHNSTON, Auditor of Public Accounts.

[DOC. No. LIV.]

# MILEAGE OF MEMBERS.

1852-3.





## STATEMENT

*Of the Mileage allowed to each Member of the present General Assembly.*

## IN THE HOUSE OF DELEGATES.

COUNTY.	NAME OF MEMBER.	NUMBER OF MILES.	MILEAGE.
Accomack, -	Edwin T. Mapp, -	432	\$ 86 40
Albemarle, -	Alexander Rives, -	160	32 00
Do. -	William T. Early, -	160	32 00
Alleghany, -	Samuel Carpenter, -	200	40 00
Alexandria, -	William D. Massey, -	230	46 00
Amelia, -	Thomas E. Bottom, -	102	20 40
Amherst, -	William A. Richeson, -	280	56 00
Appomattox, -	Z. E. Cheatham, -	220	44 00
Augusta, -	James Walker, -	268	53 60
Do. -	John A. Tate, -	272	54 40
Do. -	John D. Imboden, -	242	48 40
Barbour, -	Elam D. Talbot, -	550	110 00
Bedford, -	John Goode, jr. -	290	58 00
Do. -	Samuel G. Davis, -	290	58 00
Botetourt & Craig, -	Fleming B. Miller, -	334	66 80
Do. -	Robert M. Wiley, -	197	39 40
Berkeley, -	G. H. McClure, -	340	68 00
Do. -	J. M. Newkirk, -	360	72 00
Braxton, &c. -	Robert Dunlap, -	570	114 00
Brooke, &c. -	Edward Smith, -	746	149 20
Brunswick, -	William B. Power, -	158	31 60
Buckingham, -	Robert K. Irving, -	160	32 00
Cabell, -	H. B. Maupin, -	726	145 20
Campbell, -	Bowling Clark, -	240	48 00
Do. -	John M. Speed, -	240	48 00
Caroline, -	W. A. Buckner, -	118	23 60
Carroll, -	John Carroll, -	510	102 00
Charles City, -	John P. Pierce, -	60	12 00
Charlotte, -	Clement Hancock, -	228	45 60
Chesterfield, -	Alexander Jones, -	46	9 20
Clarke, -	John W. Luke, -	306	61 20
Culpeper, -	James Barbour, -	200	40 00
Cumberl'd & Powhatan, -	William Old, jr. -	64	12 80
Dinwiddie, -	T. B. Hamlin, -	80	16 00
Doddridge, -	B. W. Jackson, -	648	129 60
Elizabeth City, -	Joseph Segar, -	192	38 40
Essex, &c. -	Richard J. Muse, -	100	20 00
Fairfax, -	S. T. Stuart, -	258	51 60
Fauquier, -	Silas B. Hunton, -	214	42 80
Do. -	Wellington Gordon, -	214	42 80
Fayette, -	William Prince, -	580	116 00
Floyd, -	Tazewell Headen, -	450	90 00
Fluvanna, -	William B. Payne, -	118	23 60
Franklin, -	William H. Edwards, -	370	74 00 <sup>a</sup>
Do. -	A. S. Brooks, -	370	74 00
Frederick, -	Lewis A. Miller, -	300	60 00
Do. -	Edwin S. Baker, -	300	60 00
Giles, -	Thomas Shannon, -	482	96 40
Gilmer, &c. -	Minter Jackson, -	596	119 20
Gloucester, -	W. B. Taliaferro, -	170	34 00
Goochland, -	J. C. Rutherford, -	80	16 00
Grayson, -	William C. Parks, -	620	124 00
Greenbrier, -	B. F. Renick, -	482	96 40
Greene, &c. -	J. B. White, -	170	34 00

COUNTY.	NAME OF MEMBER.	NUMBER OF MILES.	MILEAGE.
Greeneville, &c.	R. F. Billard,	110	\$ 22 00
Halifax,	W. M. Howerton,	264	52 80
Do.	B. F. Garrett,	260	52 00
Hampshire,	Thomas White,	400	80 00
Do.	James Allen,	424	84 80
Hanover,	Chastain White,	40	8 00
Hardy,	—	218	
Harrison,	Charles S. Lewis,	590	118 00
Do.	Thomas L. Moore,	590	118 00
Henry,	George Hairston,	414	82 80
Highland,	William Hevener,	366	73 20
Isle of Wight,	John A. Jordan,	180	36 00
Jackson,	George Crow,	734	146 80
Jefferson,	Benjamin Moor,	320	64 00
Do.	John T. Gibson,	320	64 00
Kanawha,	Spicer Patrick,	650	130 00
Do.	Andrew P. Fry,	650	130 00
K. George & Stafford,	W. H. Browne,	146	29 20
King William,	H. B. Tomlin,	40	8 00
Lancaster, &c.	Samuel Downing,	180	36 00
Lee,	S. S. Slemph,	810	162 00
Lee & Scott,	E. Flanary,	810	162 00
Lewis,	J. M. Bennett,	544	108 80
Logan, Wyoming and			
Boone,	Isaac Morgan,	756	151 20
Louisa,	J. K. Pendleton,	108	21 60
Loudoun,	L. G. Carrington,	300	60 00
Do.	Charles B. Ball,	300	60 00
Lunenburg,	George W. Hardy,	164	32 80
Madison,	M. D. Newman,	200	40 00
Marion,	Z. Kidwell,	620	124 00
Do.	U. N. Arnett,	628	125 60
Marshall,	Garrison Jones,	700	140 00
Mason,	John McCulloch,	770	154 00
Matthews & Middlesex,	George L. Nicolson,	176	35 20
Mecklenburg,	William O. Goode,	230	46 00
Mercer,	Reuben Garretson,	522	104 40
Monongalia,	Andrew McDonald,	600	120 00
Do.	John Lemly,	632	126 40
Monroe,	John H. Vawter,	500	100 00
Do.	John Echols,	470	94 00
Montgomery,	James F. Preston,	430	86 00
Morgan,	Andrew Michael, jr.	384	76 80
Nansemond,	John R. Kilby,	204	40 80
Nelson,	Hiram W. Dawson,	220	44 00
Norfolk City,	Harrison Robertson,	232	46 40
Norfolk County,	Simeon Wheeler,	232	46 40
Do.	Tapley Portlock,	250	50 00
Northampton,	George T. Yerby,	348	69 60
Ohio,	Charles W. Russell,	714	142 80
Do.	C. D. Hubbard,	714	142 80
Do.	John M. Oldham,	746	149 20
Page,	Andrew Keyser,	288	57 60
Patrick,	Samuel G. Staples,	470	94 00
Pendleton,	James B. Kee,	340	68 00
Petersburg,	Thomas Wallace,	44	8 80
Pittsylvania,	William H. Wooding,	336	67 20
Do.	George Townes,	320	64 00
Pleasants & Ritchie,	Montgomery Bottom,	672	134 40
Pocahontas,	A. Nottingham,	432	86 40
Preston,	William B. Zinn,	574	114 80
Do.	John Scott,	596	119 20
Prince Edward,	James H. Wilson,	160	32 00
Prince George & Surry,	Charles F. Collier,	74	14 80

COUNTY.	NAMES OF MEMBER.	NUMBER OF MILES.	MILEAGE.
Princess Anne, -	Edward James, - - -	276	\$ 55 20
Prince William, -	A. H. Saunders, - - -	204	40 80
Pulaski, -	Edwin Watson, - - -	464	92 80
Putnam, -	John Bowyer, - - -	700	140 00
Randolph, -	John Taylor, - - -	516	103 20
Rappahannock, -	J. H. Morrison, - - -	250	50 00
Richmond, &c. -	J. T. Rice, - - -	140	28 00
Roanoke, -	J. McCauley, - - -	360	72 00
Rockbridge, -	Alfred Leyburn, - - -	312	62 40
Do. -	Joseph Gilmore, - - -	348	69 60
Rockingham, -	Hiram Martz, - - -	280	56 00
Do. -	Naason Bare, - - -	290	58 00
Do. -	William G. Stevens, - - -	260	52 00
Russell, -	Henry D. Smith, - - -	644	128 80
Do. -	Charles H. Gilmer, - - -	678	135 60
Scott, -	David McKinney, - - -	780	156 00
Shenandoah, -	Wright Gatewood, - - -	320	64 00
Do. -	Gilbert S. Meem, - - -	300	60 00
Smyth, -	H. A. Greever, - - -	596	119 00
Southampton, -	Thomas J. Pretlow, - - -	150	30 00
Spotsylvania, -	O. M. Crutchfield, - - -	140	28 00
Taylor, -	J. S. Burdett, - - -	580	116 00
Tazewell, -	J. W. Witten, - - -	606	121 00
Upshur, -	D. S. Pinnell, - - -	512	102 40
Warren, -	J. S. Davison, - - -	296	59 20
Washington, -	William King, - - -	582	116 40
Do. -	Isaac B. Dunn, - - -	652	130 40
Wayne, -	Jeremiah Wellman, - - -	788	157 60
Wetzel, -	David West, - - -	694	138 80
Wood, -	J. J. Jackson, - - -	740	148 00
Wythe, -	T. J. Boyd, - - -	514	102 80

## IN THE SENATE.

COUNTY.	NAME OF SENATOR.	NUMBER OF MILES.	MILEAGE.
Accomack, - -	J. W. Parker, - -	432	\$ 86 40
Albemarle, - -	Egbert Watson, - -	160	32 00
Alleghany, - -	D. B. Layne, - -	400	80 00
Appomattox, - -	S. D. McDearmon, - -	200	40 00
Augusta, - -	H. W. Sheffey, - -	242	48 40
Barbour, - -	A. G. Reger, - -	550	110 00
Bedford, - -	S. T. Brown, - -	270	54 00
Berkeley, - -	M. S. Grantham, - -	340	68 00
Caroline, - -	W. A. Moncure, - -	64	12 80
Clarke, - -	O. R. Funsten, - -	316	63 20
Culpeper, - -	H. Shackelford, - -	200	40 00
Cumberland, - -	T. M. Isbell, - -	110	22 00
Dinwiddie, - -	W. F. Thompson, - -	116	23 20
Fairfax, - -	H. W. Thomas, - -	260	52 00
Fauquier, - -	G. W. Brent, - -	214	42 80
Gloucester, - -	J. W. Catlett, - -	180	36 00
Greenbrier, - -	Thomas Creigh, - -	442	88 40
Halifax, - -	John Stovall, - -	270	54 00
Hampshire, - -	R. B. Sherrard, - -	400	80 00
Hanover, - -	W. D. Winston, - -	54	10 80
Harrison, - -	Ben. Bassel, - -	590	118 00
Isle of Wight, - -	Francis Boykin, - -	220	44 00
King George, - -	Charles Mason, - -	172	34 40
King William, - -	B. B. Douglas, - -	54	10 80
Logan, - -	Evermont Ward, - -	748	149 60
Loudoun, - -	Robert White, - -	326	65 20
Louisa, - -	W. M. Ambler, - -	88	17 60
Marshall, - -	Jeff. Martin, - -	720	144 00
Mason, - -	John Hall, - -	776	155 20
Mecklenburg, - -	T. Carrington, - -	224	44 80
Monongalia, - -	Alex. Wade, - -	660	132 00
Montgomery, - -	David Barnett, - -	452	90 40
Nelson, - -	Fred. Cabell, - -	224	44 80
Norfolk City, - -	T. C. Tabb, - -	232	46 40
Norfolk County, - -	A. R. Smith, - -	250	50 00
Nottoway, - -	T. H. Campbell, - -	120	24 00
Ohio, - -	T. Sweeny, - -	714	142 80
Patrick, - -	Arch. Stuart, - -	520	104 00
Pittsylvania, - -	V. Witcher, - -	350	70 00
Prince George, - -	T. H. Daniel, - -	60	12 00
Richmond City, - -	O. P. Baldwin, - -	-	-
Richmond, - -	E. M. Braxton, - -	140	28 00
Russell, - -	G. Cowan, - -	664	132 80
Rockingham, - -	G. E. Deneale, - -	268	53 60
Rockbridge, - -	J. H. Paxton, - -	312	62 40
Shenandoah, - -	P. Pitman, - -	332	66 40
Southampton, - -	W. B. Shands, - -	150	30 00
Smyth, - -	T. M. Tate, - -	600	120 00
Tazewell, - -	C. H. Greaver, - -	308	61 60
Williamsburg, - -	Ro. Saunders, - -	120	24 00





[DOC. No. LV.]

CONDITION

OF THE

FARMERS BANK OF VIRGINIA,

JANUARY 1853.





**EXECUTIVE DEPARTMENT,**  
**JANUARY 28, 1853.**

**Sir,**

I have the honor to communicate herewith, for the information of the general assembly, a statement of the condition of the Farmers Bank of Virginia on the first instant.

**Very respectfully,**

**Yours, &c.**

**JOS. JOHNSON.**

*To the Speaker of the House of Delegates.*

2000

**FARMERS BANK OF VIRGINIA,**

**January 1st, 1863.**

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL.

FARMERS BANK OF VIRGINIA,  
*Richmond, Jan. 27, 1863.*

Sir,

I have the honor to enclose herewith the quarterly statement of the condition of this bank on the 1st January 1863.

Very respectfully,

Your obt. servant,

J. A. SMITH, *Cashier.*

*His Excellency* JOS. JOHNSON,  
*Governor of Virginia.*

*Comparative state of the Farmers Bank of Virginia, including*

	1882.	1883.
Debt outstanding, - - - -	6051668 03	6698934 69
Sterling bills, - - - -	8209 45	16492 13
Stock, - - - -	53937 59	57592 59
Specie, - - - -	802299 94	905322 79
Notes and checks of other banks, - - - -	225541 02	223809 07
Balances due from other banks, - - - -	242148 49	461343 07
Real estate, - - - -	198752 87	197950 99
	<b>\$ 7582557 39</b>	<b>\$ 8561445 32</b>

*the Branches, on the 1st Jan. 1852 and the 1st Jan. 1853.*

	1852.	1853.
Capital stock, - - - -	3000900 00	3000900 00
Notes in circulation, - - - -	2473472 50	3114683 08
Individual deposits, - - - -	1622892 28	1942966 99
Surplus or reserved fund, including \$100,000 capital of the branch at Lewisburg, - - - -	310591 40	330998 95
Profits of the institution, - - - -	157407 77	168591 41
In transitu between parent bank and branches, - - - -	17293 44	3314 89
	<b>\$ 7582557 39</b>	<b>\$ 8561446 32</b>

FARMERS BANK OF VIRGINIA,  
January 1853.

The undersigned, directors of the Farmers Bank of Virginia, certify that the foregoing statements have been examined and are believed to be correct.

WM. H. MACFARLAND,  
THOMAS H. ELLIS,  
JAMES BOSHER,  
R. B. HAXALL,  
JOHN E. WADSWORTH.

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STATE OF VIRGINIA, *City of Richmond, to wit:*

John Adams Smith, cashier of the Farmers Bank of Virginia, this day personally appeared before me, a justice of the peace of the city aforesaid, and made oath that the annexed statements, made out from the books of the bank and from the quarterly returns received from the branches, are correct, to the best of his knowledge and belief.

Given under my hand this 27th day of January 1853.

R. M. BURTON, J. P.



[DOC. No. LVI.]

**CONDITION**

**OF THE**

**BANK OF THE OLD DOMINION**

**IN**

**DECEMBER AND JANUARY 1852.**



**EXECUTIVE DEPARTMENT,**  
**JANUARY 29, 1853.**

**SIR,**

I transmit herewith, for the information of the general assembly, statements of the condition of the Bank of the Old Dominion on the first of January and the thirty-first of December 1852.

Very respectfully,

Yours, &c.

**JOS. JOHNSON.**

*To the Speaker of  
the House of Delegates.*



# **BANK OF THE OLD DOMINION,**

**Jan'y 1st, and Dec'r 31st, 1852.**



BANK OF THE OLD DOMINION,  
*Alexandria, Va., Jan. 14, 1853.*

*His Excellency* JOSEPH JOHNSON,  
*Governor of Virginia.*

SIR.

I transmit statements showing the condition of this bank on the 1st January 1852, and the 31st December 1852.

Very respectfully, sir,

Your ob't serv't,

JAS. McKENZIE, Cash.

*Statement of the Bank of the*

Bills and notes discounted,	-	-	-	147,697 39
Virginia state and guaranteed bonds deposited with the treasurer of the commonwealth,	-	-	200,000 00	
Virginia state stock,	-	-	200 00	
				<hr/>
Alexandria corporation stock,	-	-	-	200,200 00
Banking-house unfinished,	-	-	-	3,100 00
Due from other banks,	-	-	-	4,129 38
Notes of banks incorporated by this state,	-	-	-	3,536 69
"                    " elsewhere,	-	-	-	16,392 84
Exchange account,	-	-	-	320 00
Expense account, for cost of plates, engraving notes, &c.	-	-	1,728 98	98 56
Current expenses,	-	-	1,242 06	
				<hr/>
Specie,	-	-	-	2,971 04
				20,047 42
				<hr/>
				\$ 398,693 33
				<hr/>



*Old Dominion January 1st, 1852.*


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Capital stock paid in,	-	-	-	-	-	219,700 00
Notes in circulation,	-	-	-	-	-	97,830 00
Due to banks,	-	-	-	-	-	12,897 80
Due to depositors,	-	-	-	-	-	60,999 87
Discount and interest account,	-	-	-	-	-	7,265 65

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\$ 398,693 32

*Denomination of Notes in Circulation January 1, 1852.*

Fives,	-	-	-	-	-	79,370 00
Tens,	-	-	-	-	-	6,600 00
Twenties,	-	-	-	-	-	6,360 00
Fifties,	-	-	-	-	-	5,500 00
						<hr/>
						\$ 97,830 00

Signed,

JAS. McKENZIE, Cash.

*Statement of the Bank of the*


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Bills receivable,	-	-	-	226,798 00	
Domestic bills of exchange,	-	-	-	71,866 95	
					<hr/>
Virginia state and guaranteed bonds,	-	-	-	-	298,664 95
Alexandria corporation stock,	-	-	-	-	263,100 00
Premiums paid on state stocks,	-	-	-	-	3,700 00
Coupon guaranteed bonds Chesapeake and Ohio canal,	-	-	-	-	2,006 59
Banking-house,	-	-	-	-	7,380 00
Current expenses,	-	-	-	-	9,844 77
Interest to be collected on guaranteed bonds,	-	-	-	-	7,815 41
Due from banks,	-	-	-	-	7,752 20
Notes of and check on banks incorporated by this state,	-	-	-	-	48,123 19
Notes of banks elsewhere,	-	-	-	-	25,049 03
Coin—gold and silver,	-	-	-	-	2,365 00
					52,445 09
					<hr/>
					<u>\$ 728,246 23</u>

*Old Dominion December 31st, 1852.*


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Capital stock,	-	-	-	-	-	318,900 00
Due to banks and bankers,	-	-	-	-	-	43,179 31
Individual depositors,	-	-	-	-	-	87,959 79
Discount and interest account,	-	-	-	-	-	18,872 78
Exchange account,	-	-	-	-	-	55 35
Premiums received on sale of bank stocks,	-	-	-	-	-	2,117 00
Unpaid dividends,	-	-	-	-	-	300 00
Contingent fund,	-	-	-	-	-	1,212 00
Notes in circulation—fifties,	-	-	-	27,400 00	-	
twenties,	-	-	-	41,650 00	-	
tens,	-	-	-	40,720 00	-	
fives,	-	-	-	145,880 00	-	
						<hr/>
						255,650 00
						<hr/>
						<u>\$ 728,246 23</u>
Deposited with the treasurer of the commonwealth of Virginia, state stocks						
and guaranteed bonds,						<u>\$ 262,600 00</u>

We, the undersigned, directors of the Bank of the Old Dominion, have examined the foregoing statement, and believe it to be truly and correctly made up.

W. FOWLE, *President*,  
WILLIAM N. McVEIGH,  
STEPH. SHINN,  
DANL. F. HOOE,  
LEWIS McKENZIE,  
J. J. WHEAT,  
W. G. CAZENOVE,  
R. H. MILLER,

*Directors.*

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Personally appeared before the subscriber, a justice of the peace for the county of Alexandria, James McKenzie, cashier of the Bank of the Old Dominion, and made oath in due form of law, that the above statement is just and true, to the best of his knowledge and belief.

Given under my hand this 13th day of January 1853.

WM. H. FOWLE, J. P.

[DOC. No. LVII.]

STATEMENT

RELATIVE TO

THE VOTES IN RAILROAD COMPANIES

AND IN THE

JAMES RIVER & KANAWHA CO.

1852-3.



OFFICE BOARD PUBLIC WORKS,  
RICHMOND, January 31, 1853.

O. M. CRUTCHFIELD, Esq., *Speaker*  
*of the House of Delegates of Va.*

SIR,

I have been directed by the Board of public works to transmit to you, for the use of the house of delegates, the accompanying statement, showing "the number of votes which the state is entitled to cast in the general meetings of the stockholders in the various railroad companies, and in the James river and Kanawha company, and such of the number of votes of which others than the state are entitled to cast in the general meetings of the several companies;" which has been prepared in obedience to the resolution adopted by that body on the 13th inst.

Very respectfully,

Your obedient servant,

W. R. DRINKARD, *Sec'y*  
*Board of P. Works.*





# STATEMENT

*Of the Number of Votes which the State and others than the State were respectively entitled to cast in the General Meetings of the Stockholders in the various Railroad Companies, and in the James River and Kanawha Company, on the 30th day of September 1852, as furnished by the Presidents of the respective Companies.*

NAMES OF COMPANIES.	Interest of State on Sept. 30, 1852.	Interest of others than the State on Sept. 30, 1852.	Vote of the State.	Votes of others than the State.
James river and Kanawha company,	\$ 3000000	\$ 2000000	2381	7524
Manassas gap railroad company,	212250	362250	611	3771
Orange and Alexandria railroad company,	622500	415000	1301	4144
Richmond and Danville railroad company,	906840	604560	1051	4172
Richmond, Fredericksburg and Potomac railroad company,	275200	724800	395	3349
Richmond and Petersburg railroad company,	335600	300000	506	2326
Roanoke valley railroad company,	50000	108800	170	488
Southside railroad company,	803500	580700	951	2928
Virginia Central railroad company,	826500	573600	1008	4480
Virginia and Tennessee railroad company,	1503000	1037300	1623	6265
Winchester and Potomac railroad company,	180000	120000	600	4856
Total.	8765390	6827010	10596	44303

Respectfully submitted, by order.

W. R. DRINKARD, Sec'y  
Board of F. Works.

Richmond. January 31. 1853.







[DOC. No. LVIII.]

COMMUNICATIONS

RELATIVE TO

CESSION OF LAND BY VIRGINIA

TO

THE UNITED STATES.

1852-3.



EXECUTIVE DEPARTMENT,  
JANUARY 31, 1853.

*To the General Assembly of Virginia.*

I herewith submit a communication, received from the secretary of the navy, asking for a grant to the United States of the jurisdiction possessed by the commonwealth over certain land attached to the navy hospital at Norfolk.

I recommend the passage of an act to accomplish the desired object, upon the conditions usually annexed to such grants.

Very respectfully, yours, &c.

JOS. JOHNSON.





NAVY DEPARTMENT, Jan. 28, 1853.

SIR,

I have the honor to submit herewith the copy of a communication from the chief of the bureau of yards and docks, accompanied by a trace copy of the navy hospital grounds at Norfolk,\* with the form of an act to be submitted to the legislature of Virginia for the grant of jurisdiction over such of the grounds described therein as have not heretofore been ceded to the United States for naval purposes, and respectfully request your excellency to submit them to the attention of the legislature, with a recommendation of the passage of the act.

I am, Sir,

With high respect,

Your ob't serv't,

JOHN P. KENNEDY.

*His Excellency Jos. JOHNSON,*  
*Governor of Virginia, Richmond.*

\* A copy of which is on file in the office of the secretary of the commonwealth



BUREAU OF YARDS AND DOCKS,  
January 18, 1853.

SIR,

I have the honor to submit herewith a trace copy of the navy hospital grounds at Norfolk,\* with the form of an act to be submitted to the legislature of Virginia for the grant of jurisdiction over such of the grounds described therein as have not heretofore been ceded to the United States for naval purposes, more especially with respect to the road laid down on the plan, which furnishes the only communication by land to and from the navy hospital. This road has been purchased on condition that congress sanction the purchase, and appropriate the money which has been asked for it. As there is little doubt that congress will make the necessary appropriation for the purchase of the land and necessary grading, (\$2,500,) and as it is desirable to obtain jurisdiction whilst the legislature is in session, I deem it important that early action be had by the department in the premises.

I have the honor to be,

With great respect,

Your ob't serv't.

JOS. SMITH.

HON. JNO. P. KENNEDY,

*Secretary of the Navy.*

\* A copy of which is on file in the office of the secretary of the commonwealth.



## AN ACT

*To vest in the United States of America Jurisdiction over Land in the State of Virginia situated on the West Shore of the Elizabeth River, and known as the United States Naval Hospital Lands.*

The people of the state of Virginia, represented in senate and house of delegates, do enact as follows:

1. The jurisdiction of this state over all the lands, flats and waters adjoining the same, on the west shore of the Elizabeth river, known as the United States naval hospital lands, and occupied for a naval hospital and for other naval purposes, and over the road leading thereto, and which has not heretofore been ceded to the United States, according to the plan furnished by the navy department, and bounded as follows: Beginning at the stone marked A at pond; thence S 35° E, 1122 feet; thence N 50° W, 165 feet; thence S 56° W, 165 feet; thence S 45° E, 99 feet; thence S 54° W, 115½ feet; thence N 51° W, 148½ feet; thence S 57½° W, 478½ feet; thence S 43° W, 198 feet; thence S 85° W, 115½ feet; thence N 86° W, 82½ feet; thence N 80° W, 280½ feet to stone B; thence N 80° W, 746½ feet; thence N 83° W, 264 feet to stone E; thence N 1° 30' E, 1204½ feet to stone F near the head of a cove; thence N 5° 30' E, 132 feet to point G; thence N 0° 30' E, 957 feet to stone at H on the river side; thence S 87° E, 247½ feet; thence S 37° E, 330 feet; thence S 58° E, 495 feet; thence N 73° 30' E, 1336½ feet; thence S 75° E, 231 feet; thence S 15° E, 99 feet; thence S 30° W, 511½ feet; thence S 52° W, 379½ feet; thence S 43° 30' W, 198 feet; and from thence in a straight line to the beginning—also over the road leading from the hospital lands, and passing between the lands of Hatton, Neimeyer and the cemetery on the east, and Hatton's land on the west, as marked on the plan—is hereby ceded to the United States.

2. The United States are to retain such jurisdiction so long as the said premises described shall be used for the purposes for which jurisdiction is ceded, and no longer.

3. The jurisdiction so ceded to the United States shall not impede or prevent the service or execution of any process of law, civil or criminal, under the authority of this state.



[ DOC. No. LIX.]

**VIRGINIA MILITARY INSTITUTE.**

**JANUARY 1853.**





EXECUTIVE DEPARTMENT,  
FEBRUARY 1, 1853.

SIR,

I transmit herewith, for the information of the general assembly, the semi-annual report of the superintendent of the Virginia military institute, of the late examination of the corps of cadets.

I unite with the superintendent in recommending that provision be made for the appointment of one state cadet from each of the senatorial districts into which the state is now divided. This institution commends itself to the liberal patronage of the general assembly.

Very respectfully,

Yours, &c.

JOS. JOHNSON.

*To the Speaker of the House of Delegates.*



ADJUTANT GENERAL'S OFFICE,  
January 31, 1853.

Sir,

I have the honor to lay before you a communication from the superintendent of the Virginia military institute, transmitting his report of the semi-annual examination of the corps of cadets and other documents therein referred to.

Very respectfully,

Your ob't serv't,

WM. H. RICHARDSON,  
*Adjutant General.*

*His Excellency* JOSEPH JOHNSON,  
*Governor of Virginia.*



HEAD QUARTERS, VA. MIL. INSTITUTE,  
January 20, 1853.

GEN'L WM. H. RICHARDSON,  
*Adjutant General.*

SIR,

I have the honor herewith to present the semi-annual report of the corps of cadets, with the order of merit in studies and conduct as determined at the recent examination.

I also send a statement of the names of all cadets who have been admitted into the institution since its organization in 1839. From this statement it appears that of 590 cadets who have been admitted, 201 have graduated, and 123 were present on duty 1st January 1853. Of the graduates, 97 have been employed as teachers, 44 being now engaged in such duty, and 20 are civil engineers. These facts show the influence which the institute is exerting on two of the most important interests of the state. Believing that both of these interests would be still further promoted by a provision for the appointment of one state cadet from each of the 50 senatorial districts into which the state is now divided, I would earnestly commend the subject to the consideration of the general assembly. Send the *native* schoolmaster abroad, and the state will have accomplished a work the benefits of which cannot be estimated by dollars and cents. The latent talent of many of the poor young men of the state is thus made tributary to the reform of the school system of the commonwealth, and to the development of those resources which constitute the chief reliance for her progress and independence.

I am, very respectfully,

Yours, &c.

FRANCIS H. SMITH,  
*Superintendent.*



## CADETS

*Arranged in Order of Merit in their respective Classes, as determined at the Semi-Annual Examination in January 1853.*

## FIRST CLASS.

NAT. PHILOSOPHY.	RHETORIC.	ENGINEERING.	INF. TACTICS.	ARTILLERY.
1 J. T. Murfee.	1 J. T. Murfee.	1 J. T. Murfee.	1 J. T. Murfee.	1 J. T. Murfee.
2 W. Silvester.	2 J. P. Hammet.	2 P. S. Lewis.	2 W. Silvester.	2 P. S. Lewis.
3 G. H. Smith.	3 P. S. Lewis.	3 G. H. Smith.	3 T. G. Smith.	3 G. H. Smith.
4 W. W. Williams.	4 G. H. Smith.	4 J. J. Phillips.	4 J. P. Hammet.	4 W. Silvester.
5 P. S. Lewis.	5 T. G. Smith.	5 J. A. Turner.	5 J. J. Phillips.	5 T. G. Smith.
6 T. G. Smith.	6 W. Silvester.	6 W. Silvester.	6 J. W. Cringan.	6 D. S. Lowther.
7 J. R. Waddy.	7 J. J. Phillips.	7 J. L. White.	7 P. S. Lewis.	7 J. J. Phillips.
8 Wm. Kemble.	8 G. Gray.	8 W. W. Williams.	8 G. H. Smith.	8 W. F. Lee.
9 J. J. Phillips.	9 J. C. Ward.	9 G. Gray.	9 J. R. Waddy.	9 B. H. Armistead.
10 J. C. Ward.	10 W. W. Williams.	10 Wm. Kemble.	10 G. Gray.	10 J. R. Waddy.
11 J. D. Bruce.	11 D. S. Lowther.	11 J. D. Bruce.	11 J. L. White.	11 J. P. Hammet.
12 D. S. Lowther.	12 J. L. White.	12 A. Morson.	12 J. C. Ward.	12 J. C. Ward.
13 G. Chamberlaine.	13 Wm. Kemble.	13 N. Hammond.	13 F. Mallory.	13 W. W. Williams.
14 J. W. Cringan.	14 W. F. Lee.	14 G. Chamberlaine.	14 W. W. Williams.	14 Wm. Kemble.
15 J. P. Hammet.	15 J. D. Bruce.	15 J. C. Ward.	15 G. Chamberlaine.	15 G. Gray.
16 G. Gray.	16 H. B. Armistead.	16 T. G. Smith.	16 D. S. Lowther.	16 J. Lightner.
17 J. L. White.	17 G. Chamberlaine.	17 W. F. Lee.	17 T. J. Moncure.	17 J. D. Bruce.
18 W. E. Arnold.	18 J. W. Cringan.	18 J. R. Waddy.	18 W. F. Lee.	18 G. Chamberlaine.
19 J. A. Turner.	19 W. E. Arnold.	19 J. W. Cringan.	19 J. D. Bruce.	19 W. E. Arnold.
20 N. Hammond.	20 N. Hammond.	20 H. B. Armistead.	20 Wm. Kemble.	20 N. Hammond.
21 H. B. Armistead.	21 J. Lightner.	21 D. S. Lowther.	21 J. A. Turner.	21 J. L. White.
22 W. F. Lee.	22 A. Morson.	22 J. P. Hammet.	22 A. Morson.	22 J. W. Cringan.
23 F. Mallory.	23 J. A. Turner.	23 J. Lightner.	23 N. Hammond.	23 J. A. Turner.
24 J. Lightner.	24 F. Mallory.	24 F. Mallory.	24 W. E. Arnold.	24 F. Mallory.
25 A. Morson.	25 J. R. Waddy.	25 T. J. Moncure.	25 J. Lightner.	25 A. Morson.
26 T. J. Moncure.	26 T. J. Moncure.	26 W. E. Arnold.	26 B. H. Armistead.	26 T. J. Moncure.

## SECOND CLASS.

MATHEMATICS.	LATIN.	CHEMISTRY.	DRAWING.
1 R. C. Taylor.	1 C. Lightfoot.	1 R. C. Taylor.	1 C. E. Lauck.
2 J. H. Lane.	2 R. C. Taylor.	2 J. W. Humes.	2 F. H. Lane.
3 T. Blackburn.	3 J. H. Lane.	3 W. E. Harrison.	3 T. Blackburn.
4 W. B. Botts.	4 T. Blackburn.	4 J. L. Stephenson.	4 J. Miller.
5 C. Lightfoot.	5 R. P. Carson.	5 T. Blackburn.	5 R. P. Carson.
6 J. W. Humes.	6 W. E. Harrison.	6 J. H. Lane.	6 R. C. Taylor.
7 J. L. Stephenson.	7 A. Bruce.	7 C. Lightfoot.	7 C. H. Riddick.
8 C. E. Lauck.	8 J. L. Stephenson.	8 R. P. Carson.	8 W. E. Harrison.
9 R. P. Carson.	9 J. W. Humes.	9 C. E. Lauck.	9 J. L. Stephenson.
10 W. E. Harrison.	10 G. B. Horner.	10 W. B. Botts.	10 J. W. Humes.
11 A. Bruce.	11 W. B. Botts.	11 G. B. Horner.	11 G. B. Horner.
12 A. Marks.	12 A. Marks.	12 J. Miller.	12 A. Bruce.
13 C. H. Riddick.	13 C. H. Riddick.	13 A. Bruce.	13 A. Marks.
14 G. B. Horner.	14 C. E. Lauck.	14 C. H. Riddick.	14 W. B. Botts.
15 J. Miller.	15 J. Miller.	15 A. Marks.	15 C. Lightfoot.



## THIRD CLASS.

MATHEMATICS.	FRENCH.	LATIN.
1 L. B. Williams, jr.	1 W. T. Patton.	1 W. T. Patton.
2 W. T. Patton.	2 B. J. Bargamin.	2 E. Magruder.
3 G. Buck.	3 J. M. Robinson.	3 J. A. Galt.
4 W. Lovell.	4 A. L. Dearing.	4 L. B. Williams, jr.
5 E. J. Bargamin.	5 E. C. Shepherd.	5 A. L. Dearing.
6 E. J. Harvie.	6 J. Hubbard.	6 E. C. Shepherd.
7 E. C. Shepherd.	7 E. Magruder.	7 B. H. Todd.
8 J. W. Ashby.	8 W. A. Dupuy.	8 T. F. Barkdale.
9 R. C. Allen.	9 T. F. Barkdale.	9 E. J. Harvie.
10 T. W. Hardy.	10 E. J. Harvie.	10 J. P. Wilson.
11 B. H. Todd.	11 L. B. Williams, jr.	11 R. C. Allen.
12 H. W. Cox.	12 B. H. Todd.	12 W. A. Dupuy.
13 E. Magruder.	13 J. H. Waddell.	13 T. W. Hardy.
14 T. F. Barkdale.	14 J. W. Ashby.	14 R. A. Price.
15 J. H. Waddell.	15 W. Lovell.	15 J. M. Robinson.
16 J. P. Wilson.	16 J. S. Davenport.	16 H. W. Cox.
17 W. A. Dupuy.	17 H. W. Cox.	17 W. Lovell.
18 J. S. Davenport.	18 J. P. Wilson.	18 J. Hubbard.
19 R. A. Price.	19 R. A. Price.	19 C. Harding.
20 J. M. Robinson.	20 E. Wallazz.	20 E. B. Montague.
21 E. B. Montague.	21 J. A. Galt.	21 J. W. Ashby.
22 W. E. Fife, deft.	22 G. Buck.	22 E. Wallazz.
23 J. A. Galt, do.	23 R. C. Allen.	23 J. H. Waddell.
24 A. L. Dearing, do.	24 T. W. Hardy.	24 J. S. Davenport.
25 J. L. Hubbard, do.	25 E. B. Montague.	25 E. J. Bargamin.
26 C. Harding, do.	26 C. Harding.	26 W. E. Fife.
E. Wallazz, no stand'g assign'd.	27 W. E. Fife.	27 G. Buck.
S. Crutchfield, not examined.	S. Crutchfield, not examined.	S. Crutchfield, not examined.

## FOURTH CLASS.

MATHEMATICS.	ENGLISH.	GEOGRAPHY.
1 R. J. Fletcher.	1 R. J. Fletcher.	1 C. Rumbough.
2 J. L. Cross.	2 C. J. F. Buford.	2 J. L. Meem.
3 C. M. Barton.	3 D. B. Penn.	3 F. H. Jeffress.
4 F. H. Jeffress.	4 W. J. Sergeant.	4 D. B. Penn.
5 E. L. Smith.	5 F. H. Jeffress.	5 C. M. Barton.
6 W. L. Guy.	6 J. McAllister.	6 R. J. Fletcher.
7 J. McAllister.	7 C. M. Barton.	7 J. E. Cameron.
8 W. B. Claggett.	8 R. M. McKinney.	8 W. Y. C. White.
9 W. Y. C. White.	9 J. L. Cross.	9 E. L. Smith.
10 G. W. Meade.	10 E. Fowlkes.	10 W. B. Claggett.
11 E. Fowlkes.	11 W. H. Hood.	11 W. H. Hood.
12 J. H. Carpenter.	12 J. L. Meem.	12 G. W. Meade.
13 W. J. Sergeant.	13 J. H. Carpenter.	13 W. L. Guy.
14 R. M. McKinney.	14 W. B. Claggett.	14 J. McAllister.
15 D. B. Penn.	15 E. L. Smith.	15 W. B. Ritter.
16 T. C. Rice.	16 G. W. Meade.	16 E. L. Fant.
17 F. M. Suddoth.	17 W. Y. C. White.	17 J. L. Crode.
18 E. L. Fant.	18 W. L. Guy.	18 J. H. Carpenter.
19 W. W. Page.	19 W. W. Page.	19 E. Fowlkes.
20 J. F. Alexander.	20 W. B. Ritter.	20 C. J. F. Buford.
21 W. H. Hood.	21 O. H. Cox.	21 R. M. McKinney.
22 J. L. Meem.	22 C. Rumbough.	22 J. F. Alexander.
23 R. H. Hooe.	23 J. E. Jordan.	23 W. N. Moorman.
24 J. H. Hannum.	24 T. Holcomb.	24 R. H. Hooe.
25 T. Holcomb.	25 J. F. Alexander.	25 T. P. Mathews.
26 J. H. Cameron.	26 T. P. Mathews.	26 J. H. Hannum.
27 W. N. Moorman.	27 J. H. Cameron.	27 R. C. Fitzhugh.
28 C. Rumbough.	28 J. P. Gilliam.	28 T. Holcomb.
29 C. J. F. Buford.	29 E. L. Fant.	29 S. B. Gresham.
30 T. P. Mathews.	30 F. M. Suddoth.	30 W. W. Page.
31 O. H. Cox.	31 W. N. Moorman.	31 J. E. Jordan.
32 N. Dawson.	32 J. H. Hannum.	32 F. N. Page.
33 J. E. Towson.	33 S. B. Gresham.	33 O. H. Cox.
34 W. B. Ritter.	34 W. Mason.	34 N. Dawson.
35 W. Mason.	35 N. Dawson.	35 F. M. Suddoth.
36 R. C. Fitzhugh, deft.	36 R. C. Fitzhugh.	36 W. Mason.
37 J. P. Gilliam.	37 R. H. Hooe.	37 W. H. Hood.
J. E. Jordan.	38 T. C. Rice.	38 J. P. Gilliam.
S. B. Gresham.	39 J. E. Towson.	39 T. C. Rice.
F. N. Page.	40 F. N. Page.	40 J. E. Towson.
C. M. Massenburgh.*	C. M. Massenburgh.*	C. M. Massenburgh.*
W. S. Farran.*	W. S. Farran.*	W. S. Farran.*
J. G. Gittings.*	J. G. Gittings.*	J. G. Gittings.*

\* Sick—not examined.

## ROLL OF THE CADETS

*Arranged according to Merit and Conduct for the Six Months ending Jan. 1, 1853.*

No.	NAMES.	COUNTIES.	Class.	Demerit.	REMARKS.
1	J. T. Murfee,	Southampton,	1		
2	J. J. Phillips,	Naseemond,	1		
3	W. Silvester,	Norfolk,	1		
4	J. R. Waddy,	Northampton,	1		
5	J. L. White,	Washington,	1		
6	J. H. Lane,	Mathews,	2		
7	R. C. Taylor,	Norfolk,	3		
8	S. Gresham,	Lancaster,	4		
9	G. W. Meade,	Clarke,	4	6	
10	C. Rumbough,	Campbell,	4	7	
11	J. L. Meem,	Campbell,	4	7	
12	J. P. Hammet,	Montgomery,	1	8	
13	J. A. Turner,	King George,	1	11	
14	F. Mallory,	Elizabeth City,	1	11	
15	J. Wilson,	Cumberland,	3	12	
16	W. Cringan,	Richmond city,	1	13	
17	E. Fowlkes,	Montgomery,	4	13	
18	G. Gray,	Culpeper,	1	14	
19	B. H. Todd,	Prince Edward,	3	14	
20	C. M. Massenburgh,	Sussex,	4	14	
21	G. Chamberlaine,	Norfolk city,	1	15	
22	W. W. Williams,	Norfolk city,	1	15	
23	F. J. Jeffress,	Clarksville,	4	16	
24	R. S. Fletcher,	Greensville,	4	17	
25	W. Y. C. White,	Washington,	4	17	
26	J. Miller,	Brooke,	2	19	
27	G. B. Horner,	Fauquier,	2	20	
28	J. Carpenter,	Alleghany,	4	20	
29	J. Gittings,	Harrison,	4	20	
30	H. B. Armistead,	Fauquier,	1	21	
31	P. S. Lewis,	Mason,	1	21	
32	C. J. F. Buford,	Pittsylvania,	4	21	
33	C. M. Barton,	Frederick,	4	21	
34	C. Shepherd,	Jefferson,	3	22	
35	W. Kemble,	Monongalia,	1	24	
36	T. W. Hardy,	Norfolk city,	3	24	
37	J. Alexander,	Fredericksburg,	4	24	
38	C. H. Riddick,	Naseemond,	2	25	
39	R. McKenny,	Campbell,	4	25	
40	W. N. Moorman,	Campbell,	4	25	
41	E. Wallazz,	Prince George,	3	27	
42	T. D. Matthews,	Appomattox,	4	27	
43	C. E. Lauck,	Frederick,	2	28	
44	G. H. Smith,	Fairfax,	1	29	
45	J. W. Humes,	Washington,	2	29	
46	T. H. Holcomb,	Mecklenburg,	4	29	
47	E. J. Bargamin,	Richmond,	3	30	
48	J. Carson,	Washington,	2	31	
49	W. Fife,	Kanawha,	3	32	
50	E. Magruder,	Orange,	3	32	
51	C. Harding,	Northumberland,	3	32	
52	W. Farran,	Hardy,	4	32	
53	J. D. Bruce,	Frederick,	1	33	
54	J. C. Ward,	Campbell,	1	34	
55	A. Bruce,	Halifax,	2	34	
56	E. J. Harvie,	Amelia,	3	34	
57	E. Smith,	Norfolk,	4	34	
58	F. M. Suddoth,	—	4	35	
59	A. Morson,	Stafford,	1	36	
60	A. Marks,	Prince George,	2	36	
61	G. Buck,	Morgan,	3	37	
62	W. E. Harrison,	Loudoun,	2	40	
63	W. F. Dupuy,	Dinwiddie,	4	40	
64	R. Fitzhugh,	Fredericksburg,	4	41	
65	J. Waddell,	Augusta,	3	42	
66	J. L. Cross,	Warren,	4	43	
67	J. Lightner,	Pocahontas,	1	44	
68	W. F. Lee,	Alexandria,	1	44	
69	O. H. Cox,	Northumberland,	4	45	
70	J. A. Galt,	Fluvanna,	3	46	

No.	NAMES.	COUNTIES.	Class.	Demerit.	REMARKS.
71	T. C. Rice, . . . .	Charlotte, . . . .	4	46	
72	R. C. Allen, . . . .	Bedford, . . . .	3	48	
73	J. Hubbard, . . . .	Buckingham, . . . .	3	48	
74	W. H. Hood, . . . .	Southampton, . . . .	4	48	
75	D. S. Lowther, . . . .	Lewis, . . . .	1	50	
76	J. L. Stephenson, . . . .	Fauquier, . . . .	2	51	
77	T. J. Moncure, . . . .	Caroline, . . . .	1	52	
78	D. B. Penn, . . . .	Richmond city, . . . .	4	52	
79	C. E. Lightfoot, . . . .	Culpeper, . . . .	2	53	
80	P. Page, . . . .	Cumberland, . . . .	4	53	
81	J. J. McAllister, . . . .	Surry, . . . .	4	55	
82	L. B. Williams, jr. . . .	Orange, . . . .	3	57	
83	T. Barksdale, . . . .	Halifax, . . . .	3	58	
84	T. Smith, . . . .	Norfolk, . . . .	1	59	
85	W. E. Arnold, . . . .	Franklin, . . . .	1	60	
86	R. A. Price, . . . .	Albemarle, . . . .	3	62	
87	W. B. Claggett, . . . .	Loudoun, . . . .	4	63	
88	W. W. Guy, . . . .	Nottoway, . . . .	4	63	
89	J. H. Cameron, . . . .	Rockbridge, . . . .	4	67	
90	W. T. Patton, . . . .	Richmond, . . . .	3	71	
91	A. Hammond, . . . .	Berkeley, . . . .	1	74	
92	J. M. Robinson, . . . .	Richmond city, . . . .	3	78	
93	J. H. Carpenter, . . . .	Alleghany, . . . .	4	78	
94	W. B. Botts, . . . .	Spotsylvania, . . . .	2	79	
95	E. L. Fant, jr. . . .	Fauquier, . . . .	4	80	
96	J. W. Ashby, . . . .	Clarke, . . . .	3	85	
97	H. W. Cox, . . . .	Chesterfield, . . . .	3	85	
98	W. W. Page, . . . .	Albemarle, . . . .	4	88	
99	J. E. Towson, . . . .	Stafford, . . . .	4	88	
100	N. Dawson, . . . .	Loudoun, . . . .	4	92	
101	J. E. Jordan, . . . .	Ile of Wight, . . . .	4	92	
102	W. Mason, . . . .	Brunswick, . . . .	4	94	
103	V. R. Brent, . . . .	Fauquier, . . . .	4	94	
104	R. E. Davenport, . . . .	Amherst, . . . .	4	95	
105	R. H. Hooe, . . . .	Fauquier, . . . .	4	95	
106	W. B. Ritter, . . . .	Richmond, . . . .	4	95	
107	F. Hannum, . . . .	Washington, . . . .	4	96	
108	E. B. Montague, . . . .	Buckingham, . . . .	3	97	
109	A. S. Dearing, . . . .	Campbell, . . . .	3	97	
110	J. W. Gilliam, . . . .	Dinwiddie, . . . .	4	97	
111	T. Blackburn, . . . .	Jefferson, . . . .	2	98	
112	W. Lovell, . . . .	Madison, . . . .	3	98	
113	A. Pollock, . . . .	Stafford, . . . .	4	101	Deficient in cond't.
114	J. G. Griswold, . . . .	Richmond, . . . .	4	103	Do.
115	R. Gaines, . . . .	Dinwiddie, . . . .	3	106	Do.
116	H. H. Lee, jr. . . .	Harrison, . . . .	4	107	Do.
117	W. H. Randolph, . . . .	Augusta, . . . .	4	110	Do.
118	F. N. Armistead, . . . .	Norfolk city, . . . .	4	110	Do.
119	M. S. Stringfellow, . . . .	Culpeper, . . . .	4	121	Do.
120	W. D. Jones, . . . .	Rockbridge, . . . .	4	126	Do.
121	J. R. Strother, . . . .	Rappahannock, . . . .	4	132	Do.
122	M. Macon, . . . .	Hanover, . . . .	4	156	Do.
123	J. N. Fortney, . . . .	Rockingham, . . . .	4	158	Do.
	Sam'l Richeson, . . . .	Amherst, . . . .	4	-	Deserted.



District	COUNTIES.	PAY CADETS.	STATE CADETS.	RECAPITUL'N.		
				Pay.	State.	Total.
14	Patrick, Franklin,	W. T. Tallafarro, S. S. Cook,	A. Reynolds, . W. E. Arnold, .	2 2	1 1	4
	Bedford,	R. C. Radford, *N. H. Campbell, & J. S. Burks, & W. B. Terry, & J. W. Allen, & A. J. Irvine, R. C. Allen, T. A. Harris, & Junius A. Clay,	*N. H. Campbell, & E. Goode, & J. F. Williams,	9	3	12
15	Campbell,	H. Sumpter, V. Rodes, & C. Montgomerie, E. Murrill, D. Langhorne, & J. D. Saunders, G. North, J. M. Claytor, & R. E. Rodes, S. Garland, & G. Waddell, J. T. B. Winfree, & J. G. Early, J. G. Meem, & C. V. Winfree, & K. Otey, & J. C. Ward, A. S. Dearing, G. G. Otey, C. Rumbough, W. Moorman,	S. T. Pendleton, & M. P. Christian, & Robert McKenny,	21 2	3 -	26
	Appomattox,	S. B. Walker, T. P. Mathews,				
16	Williamsburg, James City, Charles City, New Kent, York, Elizabeth City, Warwick,	C. Carter, & W. F. Carter, . H. B. Christian,	J. A. Clarke, . .	2 1	1 .	
		R. S. Archer, R. F. Hudgins, & F. Mallory,	A. Keaton, . G. W. Robertson, &	3 -	1 1	9
17	Henrico,	W. H. Richardson, & R. H. Sinton, & B. H. Harwood, G. Barker,	W. W. Finney, & H. A. Whiting, &	4 3		9
	Hanover,	E. Taylor, Charles Cook, & M. Macon,			2	
18	Richmond City,	J. S. Meredith, R. Mills, & J. E. Tyler, W. H. Harrison, C. R. Munford, T. B. Robertson, & J. M. Patton, jr, & W. C. Dunnavant, R. H. Keeling, & S. B. Jacobs, M. R. Cullen, D. Trueheart, & J. H. Poindexter, G. H. Ritchie, E. T. Bridges, & R. W. Harrison, C. Denby, & A. T. Harrison, W. J. Preston, & A. F. Gooch, & J. G. Lumpkin, R. T. Daniel, jr, T. T. Munford, & G. S. Patton, & J. W. Cringan, J. M. Robinson, & P. Bargamin, W. T. Patton, G. W. Munford, J. G. Griswold, W. B. Ritter, D. Penn,	W. Forbes, & W. H. Stith, & J. Lawson, &	32 4 2	3 .	35
	Gloucester,	P. E. Tabb, W. Fauntleroy, T. W. Banks, W. T. Robins, . C. E. Yeatman, J. H. Lane, . E. P. Q. Jones,	P. A. Fitzhugh, & E. B. Montague,	1	2	9
20	Richmond,	J. M. Brockenbrough, & L. Brockenbrough,	W. H. Smith, . S. Gresham,	2 1	1 .	
	Lancaster,	J. B. McCarty,	J. T. Sneed, *T. E. Upshaw, &	3	2	
21	Northumb'land,	J. Davenport, C. Harding, O. H. Cox,	W. H. Wheelwright, & P. Beale, &	4 2	2 .	16
	Westmoreland,	T. S. Garnett, T. T. Washington, & J. C. Mayo, & J. Mayo, &	L. A. Garnett, A. B. Dudley, W. B. Littlepage, &	5	2	12
22	King & Queen, King William, Essex,	*T. E. Upshaw, & M. P. Todd, . R. T. Warring, *J. H. Pitts, & W. W. Gordon, & T. M. Burke, R. F. W. Garnett,	*J. H. Pitts, & F. W. Cox, &	5	2	12
	Caroline,	E. Tayloe, & W. C. F. Bataille, W. L. Harrison, T. R. Thornton, &	J. H. Lawrence, & T. S. Moncure,	4	2	
23	Spotsylvania,	H. T. Barton, & L. Botts, W. T. Browne, J. S. Rudd, N. Harrison, B. Herndon, S. Crutchfield, R. Fitzhugh J. Alexander,	W. B. Botts,	9	1	16
	Stafford,	W. J. Green, & J. C. Moncure, & A. M. Green, J. F. Forbes, A. Morson, A. Follock,	J. E. Tinson,	6	1	
	King George,	T. B. Baber, E. P. Tayloe, & C. T. Mason, & J. A. Turner,	J. R. Benson,	4	1	

District.	COUNTIES.	PAY CADETS.	STATE CADETS.	RECAPITUL'N.		
				Pay.	State.	Total
24	Prince William,	F. W. Henderson, R. Tyler, <i>g</i> N. H. Tyler, <i>g</i> D. Tyler,	J. B. Norville, <i>g</i>	4	1	17
	Fairfax,	R. B. Washington, J. W. Smith, C. Bronaugh, <i>g</i> H. Smith, M. Mason, W. Jones,	J. T. Moss, G. D. Chichester,	6	2	
25	Alexandria,	W. A. Eliason, <i>g</i> J. C. Grayson, <i>g</i>	W. F. Lee,	2	1	11
	Loudoun,	W. H. Henderson, <i>g</i> J. W. Wildman, <i>g</i> N. Berkeley, <i>g</i> G. Rust, W. L. Powell, A. L. Rogers, W. E. Harrison, N. Dawson, W. B. Claggett,	V. Saunders, <i>g</i> S. Martin, D. L. Powell, <i>g</i>	9	3	12
26	Fauquier,	F. W. Scott, J. A. Marshall, W. H. Payne, R. Ashby, J. R. Marshall, <i>g</i> H. Jennings, B. E. Curlette, T. D. Tallafarro, H. B. Armistead, G. B. Horner, J. L. Stephenson, R. H. Hooe, E. L. Fant, Jr. C. Eskridge, V. Brent,	W. Bowen, J. Q. Marr, <i>g</i> W. M. Gordon, <i>g</i> H. B. Armistead,	15	4	
	Rappahannock,	J. Jett, J. P. Mason, <i>g</i> L. T. Menifee, E. T. Friscoe, <i>g</i> J. F. Strother,	G. E. Roberts,	5	1	25
27	Madison,	J. P. Welch, <i>g</i> W. M. Booton, <i>g</i> R. T. Lovell, Wm. Lovell,		4		
	Greene,	B. J. Nalle, J. E. Slaughter, J. Winston, J. C. Wharton, <i>g</i> E. Barbour, E. C. Thompson, C. E. Lightfoot, M. S. Stringfellow,	J. A. Jamieson, <i>g</i> J. C. Porter, <i>g</i> G. Grey,	8	3	
28	Culpeper,	E. Macon, J. Madison, B. Elliott, <i>g</i> E. Magruder, L. B. Williams, Jr., C. Carter, M. McKennie, <i>g</i> R. L. Walker, <i>g</i> T. O. Rogers, S. Hart, W. H. Southall, B. Ficklin, <i>g</i> R. Pollard, <i>g</i> A. L. Rives, <i>g</i> W. Morris, H. Gantt, <i>g</i> H. R. Pollard, R. A. Price, W. W. Page,	R. T. Duke, <i>g</i> G. A. Goodman, <i>g</i> D. O. Atherton,	14	3	17
	Orange,	G. F. Dabney, C. S. Jones,	W. J. Scargent,	2	1	
29	Goochland,	W. R. Fleming,	G. W. Goodman,	1	1	
	Fluvanna,	P. J. Winn, M. F. Tutwiler, <i>g</i> J. B. Shepherd, John A. Galt,	J. B. Strange, <i>g</i>	4	1	10
30	Nelson,	J. H. Estes, <i>g</i>		1		
	Amherst,	J. S. Pendleton, E. Winston, <i>g</i> G. Coleman, S. Pleasants, G. Pleasants, W. W. Walter, <i>g</i> F. W. Morris, <i>g</i> D. Pattsion, W. Claiborne, S. Rickerson,	W. D. Fair, <i>g</i> J. T. Ellis, <i>g</i> R. E. Davenport, W. M. Elliott, <i>g</i> H. B. Hill, <i>g</i>	10	3	
31	Buckingham,	J. Hubbard,		1	2	17
	Jefferson,	St. George Hunter, J. T. B. Hunter, H. C. Hunter, C. Willis, F. Lackland, <i>g</i> J. T. Thompson, A. R. Ranson, <i>g</i> J. W. Glenn, P. T. Hite, R. Willis, J. F. M. Ranson, T. Blackburn,	J. Jones, <i>g</i> C. D. Rice, <i>g</i> E. C. Shepherd,	12	3	
32	Berkeley,	R. E. Colston, <i>g</i> C. Baker, N. Hammond, W. Van Doren, R. T. Colston, D. H. Kennedy,	G. A. Porterfield, <i>g</i>	6	1	23
	Hampshire,	J. B. Sherrard, <i>g</i>	J. S. Gamble, <i>g</i> W. Parran,	1	2	
33	Hardy,		P. C. Gibbs, <i>g</i> Geo. Buck,	-	2	5
	Morgan,					
34	Frederick,	W. H. Baker, <i>g</i> G. W. Bruce, <i>g</i> W. S. Sherrard, F. B. Jones, <i>g</i> E. G. Wall, <i>g</i> W. Byrd, <i>g</i> R. Milton, B. B. Washington, J. D. Bruce, C. M. Barton,	H. T. Lee, <i>g</i> T. J. B. Cramer, <i>g</i> C. E. Lauck,	10	3	
	Clarke,	J. Y. Page, <i>g</i> W. M. Nelson, <i>g</i> J. P. Hopkins, T. H. Carter, <i>g</i> R. R. Smith, G. W. Lewis, E. P. Williams, James L. Ashby, <i>g</i> J. W. Ashby, <i>g</i> W. Meade,		10		
35	Warren,	J. Marshall, <i>g</i> J. S. Timberlake,	R. H. Simpson, <i>g</i> J. L. Cross,	2	2	37
	Shenandoah,	W. S. Beale, <i>g</i> D. S. Lee, L. Meem,	J. W. Jones,	3	1	

District.	COUNTIES.	PAY CADETS.	STATE CADETS.	RECAPITUL'N.		
				Pay.	State.	Total.
35	Page,	W. Marye, G. Jordan, <i>g</i> W. O. Yager, <i>g</i> S. B. Gibbons, <i>g</i>	H. A. Strickler, - J. Kenny, J. R. Jones, <i>g</i> C. B. Williams, jr. <i>g</i> J.	4	1	9
	Rockingham,	R. A. Gray, B. Chrisman, <i>g</i> J. W. Smith,	W. Fortney, - J. B. Moorman, <i>g</i>	3	4	8
36	Pendleton,	-	-	-	1	8
	Augusta,	J. Bell, <i>g</i> B. Estill, W. J. Warden, <i>g</i> N. Kinney, J. L. Peyton, W. Kinney, V. Churchman, <i>g</i> B. G. Baldwin, <i>g</i> J. W. Warden, J. W. Baldwin, J. W. Masie, <i>g</i> L. P. Thompson, T. L. Har- man, J. Walker, A. N. Breckenridge, W. H. Randolph, -	W. D. Stewart, <i>g</i> J. H. Waddill, - W. H. Shields, -	16	2	18
37	Bath,	G. P. Terrill, <i>g</i> J. W. Byrd, W. D. Ervin,	-	3	1	18
	Highland.	-	-	-	-	-
38	Rockbridge,	J. S. Logan, A. McCorkle, J. B. Dorman, <i>g</i> J. Echols, J. G. Paxton, A. J. Hamilton, W. A. Ruff, H. C. Reid, W. C. Ley- burn, <i>g</i> J. McBride, J. Cummings, W. Taylor, J. G. Paxton, <i>g</i> * W. A. Har- ris, <i>g</i> D. Campbell, W. D. Jones, J. H. Cameron, -	W. Downes, <i>g</i> * W. A. Harris, <i>g</i> - E. Pendleton, <i>g</i> R. Ross, R. S. Burks, <i>g</i> * A. C. Layne, J. H. Car- penter, - W. C. Campbell, -	17	2	23
	Botetourt,	E. Anthony, <i>g</i> R. Wiley, <i>g</i> R. H. Burks, J. P. Bowyer, R. H. Paxton, -	-	5	3	2
39	Alleghany,	J. F. Jordan, <i>g</i> * A. C. Layne, -	-	2	2	18
	Roanoke,	G. W. Williams, <i>g</i> A. D. Pitzer, J. W. Tayloe, T. E. Lewis, J. W. Neal, -	-	5	1	18
40	Craig,	-	-	-	-	-
	Carroll.	-	-	-	-	-
41	Floyd.	-	-	-	-	-
	Grayson.	J. Kent, R. C. Trigg, <i>g</i> D. Edmundson, E. Fowles, -	C. P. Dyerle, <i>g</i> -	4	1	5
42	Montgomery,	-	-	-	-	-
	Pulaski,	-	-	-	-	-
43	Mercer,	O. F. Beirne, G. H. Caperton, <i>g</i> -	-	2	2	4
	Monroe,	-	J. A. Pack, H. C. Mason, -	-	-	-
44	Giles,	-	-	-	-	-
	Tazewell,	-	-	-	-	-
45	Smyth,	S. C. Pendleton, -	-	1	1	14
	Wythe,	D. C. Kent, -	H. B. Smyth, <i>g</i> J. F. Mays, -	1	2	1
46	Washington,	A. C. Cummings, <i>g</i> J. T. Preston, J. C. Greenway, J. L. White, J. W. Humes, F. Hannum, W. Y. C. White, <i>g</i> -	J. A. Campbell, <i>g</i> W. Y. C. Humes, <i>g</i> R. P. Carson, - B. Sharpe, -	7	3	14
	Scott.	-	-	-	-	-
47	Lee,	-	-	-	1	1
	Russell,	-	-	-	-	-
48	Boone.	-	-	-	-	-
	Logan.	A. D. Lewis, R. A. Thompson, F. A. Lovell, W. E. Fife, -	D. Chilton, B. D. Fry, R. A. Thompson, S. S. Mal- colm, -	4	4	8
49	Kanawha,	-	-	-	-	-
	Putnam.	-	-	-	-	-
50	Wyoming,	-	-	-	-	-
	Nicholas.	M. B. Manser, <i>g</i> -	J. B. Hamilton, -	1	1	1
51	Fayette,	J. M. Lightner, -	-	1	-	-
	Pocahontas,	-	-	-	-	-
52	Raleigh.	R. B. Moorman, C. W. Cary, <i>g</i> A. Piercy, * J. H. McPherson, -	J. M. Cary, <i>g</i> J. W. Stal- nacker, C. Norvell, -	4	3	10
	Braxton.	-	-	2	-	-
53	Greenbrier,	-	-	-	-	-
	Mason,	J. H. Steenberg, <i>g</i> P. S. Lewis, -	-	-	-	-
54	Jackson.	-	-	-	-	-
	Cabell.	-	-	-	-	-
55	Wayne.	-	-	-	-	-
	-	-	-	-	-	-



District.	COUNTIES.	PAY CADETS.	STATE CADETS.	RECAPITUL'N.		
				Pay.	State.	Total.
	Wirt,			-	-	2
46	Ritchie.					
	Doddridge,		J. F. Henderson,	-	1	
	Harrison,	H. H. Lee, jr. J. Gittings,	C. Burgess, <i>g</i>			
			P. B. Adams, <i>g</i>	2	2	
	Pleasants.					
	Wood,		R. C. Stephenson, P. Neal,	-	2	7
47	Wetzel.					
	Marshall,	J. A. Thompson,	A. C. Cockayne,			
			A. C. Jones, <i>g</i>	1	2	
	Marion.					
	Tyler,			-	-	3
48	Upshur.					
	Barbour.		D. S. Souther,	-	1	
	Lewis,			-		
	Gilmer.			-		
	Randolph,			-		1
49	Monongalia,		W. Kemble, * J. H. Mc-			
			Pherson,	-	2	
	Preston,		J. McGrew, <i>g</i>	-	1	
	Taylor,			-		3
50	Brooke.		J. Miller,	-	1	
	Hancock.					
	Ohio,	J. A. Ellison,	J. B. Clemens, <i>g</i>	1	1	3



[DOC. No. LX.]

# REPORT

OF

**THE SPECIAL COMMITTEE**

RELATIVE TO THE

# LEMMON SLAVE CASE.

1852-3.



## REPORT.

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The committee, to whom were referred the several communications of the executive, relative to the Lemmon slave case, beg leave to report, that inasmuch as all the proceedings in the case have been removed to the supreme court of New York, in order that the decision of Mr. Justice Paine may be reviewed by that tribunal, and as the legislature of New York have now under consideration a proposition to repeal the statute upon which the decision was in part founded, they deem it inadvisable at present to express any opinion upon the important questions involved; but as the subject is one which deeply and vitally affects the rights and interests of every citizen of Virginia, they recommend that the attorney general of the state, together with such other counsel as the executive may think proper to associate with him, be directed to prosecute the appeal now pending before the supreme court of New York. Your committee therefore recommend the adoption of the following joint resolution:

Resolved by the general assembly, that the attorney general of this state be and is hereby directed to prosecute, before the supreme court of New York, together with such other counsel as the executive may think proper to associate with him, the appeal which has been taken from the recent decision of a judge in that state, by which Jonathan Lemmon, a citizen of Virginia, was deprived of his slaves.



[DOC. No. LXI.]

# CONDITION

OF THE

# MERCHANTS & MECHANICS BANK.

1852-3.





EXECUTIVE DEPARTMENT,  
FEBRUARY 7, 1853.

Sir,

I transmit herewith, for the information of the general assembly, the annual statements of the condition of the Merchants and Mechanics Bank of Wheeling.

Very respectfully,  
Yours, &c.

JOS. JOHNSON.

*To the Speaker of the House of Delegates.*



**MERCHANTS AND MECHANICS BANK,**

**January, 1853.**



MERCHANTS AND MECHANICS BANK,  
Wheeling, February 3, 1853.

*The Excellency* JOSEPH JOHNSON,  
Governor of Virginia.

Sir,

I have the honor to submit herewith the annual statement of the condition of  
this bank, as required by the charter.

I am,

Very respectfully,

Your ob't serv't,

J. W. GILL, *Pres't.*

*Statement of the Affairs of the Merchants and Mechanics*

Domestic bills,	-	-	-	896,955	31	
Foreign bills,	-	-	-	572,848	15	
						1,469,803 46
Stocks owned by the bank,	-	-	-	-	-	69,162 50
Real estate, including banking-houses,	-	-	-	-	-	178,372 45
Bonds and mortgages,	-	-	-	-	-	22,665 58
Protests,	-	-	-	-	-	604 22
Iron chests,	-	-	-	-	-	400 00
Bonus for unexpired charter,	-	-	-	-	-	4,650 00
Due from banks, viz:						
New York, Philadelphia, &c.	-	-	-	225,234	59	
Western banks,	-	-	-	48,012	14	
						273,246 73
Cash—notes and checks,	-	-	-	63,401	40	
Gold and silver,	-	-	-	318,459	38	
						381,860 78
						<u>\$2,400,765 72</u>

*Bank of Wheeling and Office Morgantown, 10th January 1853.*


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Capital stock,	-	-	-	-	540,000 00
Contingent fund,	-	-	-	-	124,160 46
Notes in circulation, old plate,	-	-	-	-	604,495 00
"                    new "                    "	-	-	-	-	811,065 00
Small notes outstanding,	-	-	-	-	1,156 50
Dividends unclaimed,	-	-	-	2,799 59	
"          declared this day,	-	-	-	27,000 00	
"					29,799 59
Certificates of deposit,	-	-	-	13,602 86	
Depositors,	-	-	-	238,389 18	
					251,992 04
Due to banks,	-	-	-	-	38,097 13

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**\$ 2,400,765 72**

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We, directors of the Merchants and Mechanics Bank of Wheeling, do hereby certify that we believe the foregoing to be an accurate statement of the affairs of the said bank.

J. W. GILL, *President*.  
R. PATTERSON,  
WM. T. SELBY,  
A. P. WOODS,  
JAMES BAKER,  
SAM'L OTT,  
J. GOODING,  
WM. FLEMING.

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VIRGINIA—Ohio County, ss:

Personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, Sobieski Brady, cashier of the Merchants and Mechanics Bank of Wheeling, who, being duly affirmed according to law, declared that he believed the foregoing to be a just and true statement from the books of said bank.

Given under my hand this 3d day of February 1853.

A. P. WOODS.



[DOC. No. LXII.]

STATEMENT

OF

TONNAGE IMPORTED INTO RICHMOND,

BY

CANAL AND RAILROADS IN LAST FIVE YEARS.

1852-3.



SECOND AUDITOR'S OFFICE,  
FEBRUARY 8, 1853.

SIR,

I have the honor to communicate herewith a "statement showing the amount of tonnage and estimated value thereof, imported into the city of Richmond on the James river and Kanawha canal, Richmond, Fredericksburg and Potomac railroad, Richmond and Petersburg railroad, Richmond and Danville railroad, and the Virginia Central railroad, during each of the last five years, together with the freights and tolls paid on the said tonnage," in compliance with resolutions of the house of delegates.

This report has been necessarily postponed until the information could be received from all the companies, some of whom experienced difficulties in forming their statements, which fully excuse the delay.

No recapitulation could be made for any other year than 1852, for the reasons given in the statements of two of the companies.

I am, very respectfully,

Your obt. servant,

WM. L. JACKSON,  
*Second Auditor.*

HON. O. M. CRUTCHFIELD,  
*Speaker of the House of Delegates.*



## STATEMENT

*Showing the amount of Tonnage and the Estimated Value thereof, imported into the City of Richmond on the James River and Kanawha Canal, Richmond, Fredericksburg and Potomac Railroad, Richmond and Petersburg Railroad, Richmond and Danville Railroad, and the Virginia Central Railroad, during each of the last five years, together with the Freights and Tolls paid on the said Tonnage.*

## I. JAMES RIVER AND KANAWHA CANAL.

Year ending	No. of tons.	Estimated value.	Freights.	Tolls.	Freights and tolls.
October 31, 1848,	125054	\$ 4230532 18	\$ 64250 13	\$ 128500 25	\$ 192750 38
1849,	140696	5435046 66	82620 39	165240 69	247861 08
1850,	137589	6123865 49	71247 16	142494 31	213741 47
1851,	140924	5133853 62	61613 29	123226 59	184839 88
1852,	153377	7145837 43	73649 28	147298 56	220947 84
<b>Total for 5 years,</b>	<b>697640</b>	<b>28069135 38</b>	<b>353380 25</b>	<b>706760 40</b>	<b>1060140 65</b>

## II. RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD.

This company has experienced some difficulty in arriving at a correct answer to the resolution, which arises from two causes: one of which is to be found in the circumstance, that during a portion of the period referred to the transportation account of this company was blended with that of the Virginia Central railroad company in connection with their road between the Junction and Richmond; and the other cause is to be ascribed to the fact, that much of the limited freight now transported on their part into Richmond embraces *innumerable small packages*, comprising every possible variety of domestic production, which, being transported more by package than by weight, renders it a difficult matter to state with any degree of precision the extent of the various articles embraced in the transportation department of the company.

The amount thus obtained for the year ending 30th September last, from all sources, amounts but to the sum of \$19,252 03. Among the articles from which this revenue is derived, the company have particularized the following staples:

100,000 bushels coal.  
 75,000 do. wheat.  
 750 bbls. tobacco.

The value of which, in common with the balance of their transportation, they have no means of ascertaining with any degree of satisfaction.

## III. RICHMOND AND PETERSBURG RAILROAD.

	Tonnage.	Value.	Freight.
From 1st October 1847 to 1st Oct'r 1848,	20301	632557 99	18361 63
" 1848 " 1849,	19539	695742 40	18159 71
" 1849 " 1850,	22861	1377665 45	21560 83
" 1850 " 1851,	19533	886412 40	18314 19
" 1851 " 1852,	27932	1262248 85	24752 89
Total for 5 years.	110166	\$ 4854627 09	\$ 101149 18

## IV. RICHMOND AND DANVILLE RAILROAD.

The operations on this road commenced but a few months prior to the 30th September 1851, and the result of the business for the year 1852 was as follows:

Amount of tonnage,	-	-	53,421 tons.
Value,	-	-	\$ 967,336 00.
Amount of tolls collected,	-	-	\$ 37,919 45.

## V. VIRGINIA CENTRAL RAILROAD COMPANY.

In consequence of this company not doing its own transportation during the last five years, they were not able to give the amount for that period. Their statement furnishes information but for one year.

For the year 1852, 17,450 tons.

Estimated value, \$1,000,000.

Amount of tolls paid on the same, \$55,969 20.

## STATEMENT

*Exhibiting the Amount of Tonnage, Estimated Value thereof, and the Freight paid on the same, imported into the City of Richmond by means of the several Works of Internal Improvement leading into the City, during the year 1852.*

Names of Companies.	No. of tons.	Estimated value.	Freights and tolls.
James river and Kanawha company.	153377	7145837 43	220947 84
Richm'd, Fred'burg and Potomac railroad,	4807	285000 00	19252 03
Richmond and Petersburg railroad.	27932	1262248 85	24752 89
Richmond and Danville railroad,	53421	967336 00	37919 45
Virginia Central railroad,	17450	1000000 00	55989 20
	256987	\$10660422 28	\$ 358861 41

WM. L. JACKSON,  
Second Auditor.

Second Aud. Office, 8th Feb. 1853.





[DOC. No. LXIII.]

# STATEMENT

RELATIVE TO THE

## AMOUNT AND VALUE OF TONNAGE

TRANSPORTED UP THE

## JAMES RIVER AND KANAWHA CANAL

DURING THE LAST FIVE YEARS.

1852-3.



SECOND AUDITOR'S OFFICE.

FEBRUARY 9, 1853.

SIR,

In compliance with your request, I herewith furnish you with a "statement showing the amount of tonnage, and the estimated value thereof, transported up the James river and Kanawha canal during the last five years, together with the freights and tolls paid on the said tonnage."

I am, very respectfully,

Your obd't servant,

WM. L. JACKSON,

*Second Auditor.*

WM. B. TALIAFERRO, Esq.

*Of the House of Delegates.*



## STATEMENT

*Showing the Amount of Tonnage, and the Estimated Value thereof, transported up the James River and Kanawha Canal during the last five years, together with the Freights and Tolls paid on the said Tonnage.*

Year ending.	No. of tons.	Estimated value.	Freights.	Tolls.	Freights & Tolls.
October 31, 1848,	30897	\$ 8509262 92	\$ 37248 69	\$ 74497 38	\$ 111746 07
1849,	34513	10727250 67	38147 84	76295 69	114443 53
1850,	39792	7727224 29	44200 52	88401 04	132601 56
1851,	48244	8730431 56	58104 88	116209 76	174314 64
1852,	57660	10625515 32	63896 14	127973 29	191959 43
	211106	46319684 76	241598 07	483377 16	725065 23

WM. L. JACKSON,  
Second Auditor.

Second Auditor's Office,  
February 9th, 1853.









[DOC. No. LXIV.]

# WORLD'S FAIR IN NEW YORK.

1853.



## EXECUTIVE DEPARTMENT,

FEBRUARY 15, 1853.

*To the General Assembly.*

I have received a communication from the president of "the association for the exhibition of the industry of all nations," in the city of New York, which I deem worthy of the notice of the general assembly. The object of the association is to exhibit in the most attractive form the natural and manufactured products of our own country, the triumphs of genius, the vigor of intellect and the energy and enterprize of our people, in comparison with the choice and useful productions, natural and artificial, of other and older nations. With this laudable purpose, preparations have been made of the most extensive character, to ensure the collection of rare and novel objects; and a building of singular beauty and ample dimensions is now in process of erection to display them to the greatest advantage. The exhibition will be a continuation, upon a new theatre, of that which attracted the attention of so large a portion of the world, and will afford a better opportunity for developing the resources of the United States.

Such exhibitions will produce a beneficial effect, in introducing new articles of merchandize, in interchanging the fabrics of every clime, in promoting commercial intercourse, in stimulating manufactures and in disseminating the labor-saving machines and implements of agriculture, and of every branch of industry. It must attract attention to the diversified mineral wealth of this great Union; and if her citizens are true to themselves, none will appear to greater advantage than our own commonwealth, rich as she is in the most valuable metals, ores, fuels and building materials. Followed as it will be by similar exhibitions in other nations, it must tend to advance science and the arts, to promote civilization, to spread liberal principles in religion and government, and secure mutual good will among all nations. Such being, in my opinion, some of the advantages which may be realized by this enterprize, it affords me pleasure to comply with the request of the president of the association in recommending it to your consideration. In the hope that some action of yours may awaken the people of the state to the importance of uniting in the exhibition, and may stimulate them to take such an interest in it as will contribute to its success, I enclose herewith the communication, with its accompanying documents.

JOS. JOHNSON.



OFFICE OF THE ASSOCIATION FOR THE EXHIBITION  
OF THE INDUSTRY OF ALL NATIONS,  
No. 53 Broadway, New York, Jan. 27, 1853.

SIR,

I take the liberty, with this, of laying before you various documents relative to the exhibition of the industry of all nations, to take place in this city in the course of the next spring.

You will see, by the letters of Mr. Webster and Mr. Everett, and by extracts from the messages of Gov. Seymour of this state, and of Gov. Fort of New Jersey, the interest that is felt in our enterprise by the public authorities of our country; and we have abundant proofs of the attraction which the subject possesses for our people at large.

The special purpose of the present letter is to invite your co-operation in securing the objects which we have in view. We desire not merely to produce an attractive display, but to make an exhibition of the natural and manufactured products of the Union, which shall be practically useful. To accomplish this, we have, among other things, as you will see by our general circular, specially invited those interested in the ores and minerals of our country to send us specimens of them. We have further, as you will also observe, issued a special circular, directed to this precise object; and we shall secure the aid of competent scientific persons to arrange, classify and report upon them, in a manner that will best advance the interests of science and the arts, and bring our vast resources, in these elements of a nation's greatness, prominently before the people.

In addition to this, we think that we cannot make our purpose more widely known than by communicating our desire directly to the governors of the several states. Besides ores and minerals, almost every state of the Union has natural products of great value, the peculiar merits of which it may be desirable to make public on the scale which it will be possible to do by the means of the proposed exhibition. As to the precise mode in which you will give publicity or effect to this, it of course rests in your own pleasure. If this letter comes too late for the purpose of being noticed in your excellency's annual message, it might, if you find it of sufficient importance, form the subject of a special communication to the legislature of your state. Of this, you, sir, are the best judge, and I have neither the right nor the disposition to interfere.

We have gone as far as is proper in bringing this matter thus fully to your excellency's consideration—and

I have the honor to be, sir,

With the greatest respect,

Your very ob't serv't,

THEODORE SEDGWICK, *Pres't.*

*His Excellency Gov. Jos. JOHNSON,*  
*Richmond, Virginia.*









[DOC. No. LXV.]

COMMUNICATION

FROM

THE GOVERNOR,

RELATIVE TO

REPRIEVES, PARDONS

AND

COMMUTATIONS.

1852-3.



## COMMUNICATION.

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EXECUTIVE DEPARTMENT,  
FEBRUARY 16th, 1853.

*To the General Assembly.*

The constitution of the state gives the governor the power to grant reprieves and pardons after conviction, and to commute capital punishment, but requires him to communicate to the general assembly at each session the particulars of every case of reprieve or pardon granted, and of punishment commuted, with his reasons for granting or commuting the same.

In the exercise of this authority, I have deemed the cases hereafter stated as proper for the interposition of executive clemency :

On the 21st of June last, a petition was presented for the pardon of Austin Cummins, who had been sentenced by the circuit court of the county of Monroe to five years' imprisonment in the penitentiary for the crime of burglary. With the petition was the statement of his attending physician, showing, satisfactorily, that the prisoner's health was such that he could not be removed without endangering his health, and that confinement in his situation would result in his death. For this reason the prisoner was set at liberty.

In the year 1847, Albert Burr, charged with larceny, was convicted by the circuit court of the city of Richmond, and sentenced to six years' imprisonment in the penitentiary. On the 23th of July last, this prisoner, having served five years, was pardoned for the residue of his term, upon the recommendation of the president of the board of directors and of the superintendent and surgeon of the penitentiary, for his good conduct, and for the humanity, prudence and skill manifested by him while attending on the sick in the hospital during the prevalence of cholera in the institution.

During the last year, A. J. Mellen, a youth, was sentenced by the circuit court of Augusta county to six months' imprisonment in the county jail for an assault with intent to commit a rape. In this case the petition for the pardon is signed by the attorney for the commonwealth who prosecuted the case, by many citizens of the immediate neighborhood, by most of the members of the Staunton bar, and by the clerks and sheriffs who heard the evidence. Add to these the judge of the court, who, uniting in the petition, states that the evidence justified a verdict for an aggravated assault rather than for a felonious attempt to commit a rape. Considering the circumstances of the case—the prisoner's age, which was only 16 years, and the testimony that he had previously sustained a good character—I felt constrained to interpose in his behalf, and he was ordered to be released on the 4th of October last.

At the May term in 1851, the circuit court of the county of Marion sentenced Bryan Haverin and Thomas Burke each to five years' imprisonment in the penitentiary for murder in the second degree. The evidence proves the murder, with which the prisoners were charged, to have been perpetrated in an affray between two parties of Irishmen from different counties of Ireland, between whom a strong feeling of hostility existed. It appears that the person murdered and 11 others were sleeping in a cabin in the woods, and that they were assailed in the night by an attacking party, supposed to be about fifty or sixty. The witnesses on both sides were of the hostile parties. Six of these witnesses proved an *alibi* on the part of Haverin and Burke, and three others proved their presence with the assailing party. Several of the assailing party were tried and acquitted upon testimony similar to that upon which these prisoners were convicted. The petition for the pardon of the prisoners was numerously signed by citizens of the county, by the officers of the court, and by nine of the jury who rendered the verdict—one of the residue having left the county and the other two the commonwealth. There are letters also, from the judge and attorney for the commonwealth, both of whom unite in the petition. Under these circumstances, and in view of the great doubt of the guilt of the parties, as shown by the conflicting testimony, and by the acquittal of others similarly situated, and considering that they had already served 18 months in the penitentiary, on the 6th of November last a pardon was granted to each.

In the spring of 1850, George Uhl was sentenced by the circuit court of Wood county to imprisonment in the penitentiary for the crime of arson. The petition in this case is signed by more than six hundred of the citizens of his county, and states the fact, that he was convicted on the testimony of Jacob Fulk, who was a convicted felon from the state of Ohio, and his testimony was, not of what he had seen, but of the confession of the prisoner to acts he had committed a number of years before. The petition is accompanied with the testimonial of the first assistant keeper of the penitentiary, stating the uniformly good conduct of the prisoner while in the penitentiary. It also appears that he was confined in prison for a great length of time before his conviction, and that his health was declining. For these considerations, and the fact that he had served about two years and a half in the penitentiary, he was pardoned on the 18th of November last.

In the case of Baker Moore, a free negro, who was pardoned on the 3d of December last, the circumstances were these: He was sentenced to the penitentiary for life, upon identification, for having been twice convicted of grand larceny—once in the county of Shenandoah, and the second time in the county of Page. But as the law has been changed which authorized a convict to be sentenced for life for the alleged offence, it would seem improper that one convicted prior to the change should be convicted for so long a period. The petition for the pardon was numerously signed by citizens of the county of Page, and the prisoner was recommended to clemency by the keeper of the penitentiary, on account of his good conduct. For these reasons, and considering the great length of time he has been confined for an offence of such a grade, he was released.

In October last, Elisha Bowling was sentenced to be confined in the corporation jail by the hustings court of the town of Fredericksburg for three months for the crime of larceny. In this case, the evidence shows that the money, the subject of the larceny, was stolen by one of the witnesses who testified against the prisoner,

and that the prisoner took it from him; that upon being questioned about it, he immediately offered it to the owner, but that the owner refused to receive it, upon the ground that it was not all that had been stolen. The testimony is of such a character as to leave great doubt of a guilty intention to appropriate the money to his own use. At the instance of the prisoner, as stated by the counsel, the case was submitted to the jury without argument. In addition to these facts, the grand jury, after examination of the corporation jail, report, that whilst it is clean and secure, it is not a fit place for the confinement of prisoners, being damp, unhealthy, offensive, for reasons assigned, and wanting in ventilation. For these considerations, this prisoner was discharged on the 4th of December.

On the 7th of June last, William H. Harrison was convicted by a jury and sentenced by the county court of Spotsylvania county to twelve months' imprisonment in the county jail for the crime of hog stealing, and was pardoned on the 17th of December, the court having *unanimously* recommended the prisoner to executive clemency, and asked the remission of the sentence and the finding of the jury to two months' imprisonment, "the court being of opinion that the finding of the jury is excessive."

Besides these cases of absolute pardon, I have felt it to be my duty to commute the punishment of death, to which several slaves have been sentenced, to that of sale and transportation beyond the limits of the United States; and I proceed to state the particulars of each case:

On the 16th of September last, Lucy, a slave, was convicted by the hustings court of the city of Richmond of infanticide, and sentenced to be hung on the 22d October following. The evidence establishes the fact that the girl was delivered of a child, and to hide her shame, immediately destroyed and endeavored to conceal the infant; but it also appears that she was only 14 years old; that she had previously uniformly sustained a good character; that to relieve her pains, laudanum and spirit had been administered, which might have deadened her faculties. But be this as it may, the court and coroner earnestly recommended the commutation of the punishment to sale and transportation, because of her youth and the excellent character she had borne up to the time of this crime, the court certifying "that they have never known a better character than was proved by many respectable witnesses to have been borne by the slave up to that period." Sustained as this recommendation was by a large and respectable number of the citizens of Richmond, and being informed by the counsel of the prisoner that he did not believe that the court possessed the power to commute the punishment in this case, and that the court concurred in that opinion, and being satisfied that the sale and transportation of this girl would not be in opposition to any policy of the state, but rather in conformity with the apparent design both of the framers of the constitution and the legislature—manifested by conferring the power of commutation upon the governor and the courts—I interposed in her behalf.

On the 20th November 1852, Isaac, a slave, was sentenced by the county court of the county of Harrison to suffer death for the crime of burglary. The evidence shows that the burglary was effected by entry into a dwelling-house through a window which the prisoner raised, with intent to steal, and when detected, that no effort was made to inflict bodily injury upon any one. Upon the petition of a large number of citizens of the county of Harrison, and of the justices composing

the court who sat upon the trial of this slave, and for the reason assigned in the last case—that the commutation of punishment, except in aggravated cases, seems to be in accordance with the policy of the laws of the state—I did not hesitate to relieve the prisoner.

I have thus presented briefly to the general assembly the several cases not heretofore communicated. in which I have exercised the power conferred by the constitution, with the reasons which influenced my judgment.

JOS. JOHNSON.







[DOC. No. LXVI.]

# CONGRESSIONAL DISTRICTS.

1852-3.



## A TABULAR STATEMENT,

*Showing the Federal Numbers of each County and Corporation in Virginia.*

The federal population of Virginia is	-	-	-	-	1,232,771
Average for each district, -	-	-	-	-	94,828

### FIRST DISTRICT.

Counties, &c.	-	-	-	-	-	Federal Nos.
Norfolk city,	-	-	-	-	-	12,602
Norfolk county,	-	-	-	-	-	16,277
Accomack,	-	-	-	-	-	15,895
Northampton,	-	-	-	-	-	6,039
Princess Anne,	-	-	-	-	-	6,417
Nansemond,	-	-	-	-	-	10,397
Isle of Wight,	-	-	-	-	-	7,998
Southampton,	-	-	-	-	-	11,219
Surry,	-	-	-	-	-	4,687
Elizabeth City,	-	-	-	-	-	3,727
Warwick,	-	-	-	-	-	1,184
						96,444

### SECOND DISTRICT.

Counties, &c.	-	-	-	-	-	Federal Nos.
City of Petersburg,	-	-	-	-	-	12,474
Prince George,	-	-	-	-	-	5,833
Dinwiddie,	-	-	-	-	-	7,692
Sussex,	-	-	-	-	-	7,623
Greensville,	-	-	-	-	-	4,125
Brunswick,	-	-	-	-	-	10,511
Chesterfield,	-	-	-	-	-	14,042
Nottoway,	-	-	-	-	-	6,017
Amelia,	-	-	-	-	-	7,042
Lunenburg,	-	-	-	-	-	8,817
Powhatan,	-	-	-	-	-	6,065
Cumberland,	-	-	-	-	-	7,219
						97,460

## THIRD DISTRICT.

Counties, &c.					Federal Nos.
Mecklenburg,	-	-	-	-	15,645
Halifax,	-	-	-	-	20,181
Charlotte,	-	-	-	-	10,360
Prince Edward,	-	-	-	-	8,980
Appomattox,	-	-	-	-	7,273
Campbell,	-	-	-	-	18,898
Buckingham,	-	-	-	-	10,572
					<u>91,909</u>

## FOURTH DISTRICT.

Counties, &c.					Federal Nos.
Bedford,	-	-	-	-	20,055
Pittsylvania,	-	-	-	-	23,677
Franklin,	-	-	-	-	15,139
Henry,	-	-	-	-	7,536
Patrick,	-	-	-	-	8,679
Floyd,	-	-	-	-	6,261
Montgomery,	-	-	-	-	7,770
Roanoke,	-	-	-	-	7,473
					<u>96,601</u>

## FIFTH DISTRICT.

Counties, &c.					Federal Nos.
Pulaski,	-	-	-	-	4,529
Wythe,	-	-	-	-	11,050
Carroll,	-	-	-	-	5,847
Grayson,	-	-	-	-	6,477
Smyth,	-	-	-	-	7,736
Tazewell,	-	-	-	-	9,518
Russell,	-	-	-	-	11,526
Scott,	-	-	-	-	9,634
Washington,	-	-	-	-	13,759
Lee,	-	-	-	-	9,952
					<u>90,028</u>

**SIXTH DISTRICT.**

Counties, &c.	Federal Nos.
Richmond city, - - - - -	23,029
Henrico, - - - - -	13,508
Charles city, - - - - -	4,094
New Kent, - - - - -	4,700
James City and Williamsburg, - - - - -	3,273
York, - - - - -	3,587
Hanover, - - - - -	11,796
Goochland, - - - - -	8,014
King William, - - - - -	6,486
Gloucester, - - - - -	8,304
Matthews, - - - - -	5,554
	<hr/> 92,927

**SEVENTH DISTRICT.**

Counties, &c.	Federal Nos.
Northumberland, - - - - -	5,844
Lancaster, - - - - -	3,652
Richmond, - - - - -	5,537
Westmoreland, - - - - -	6,857
Middlesex, - - - - -	3,457
King & Queen, - - - - -	8,013
Essex, - - - - -	7,501
King George, - - - - -	4,610
Caroline, - - - - -	14,191
Spotsylvania, - - - - -	11,918
Stafford, - - - - -	6,719
Orange, - - - - -	7,698
Culpeper, - - - - -	9,609
	<hr/> 95,403

**EIGHTH DISTRICT.**

Counties, &c.	Federal Nos.
Albemarle, - - - - -	20,465
Fluvanna, - - - - -	7,592
Louisa, - - - - -	12,745
Amherst, - - - - -	10,318
Madison, - - - - -	7,441
Nelson, - - - - -	10,301
Greene, - - - - -	3,720
Augusta, - - - - -	22,575
	<hr/> 95,357

## NINTH DISTRICT.

Counties, &c.					Federal Nos.
Fairfax,	-	-	-	-	9,382
Alexandria,	-	-	-	-	9,455
Prince William,	-	-	-	-	7,190
Fauquier,	-	-	-	-	16,729
Loudoun,	-	-	-	-	18,822
Jefferson,	-	-	-	-	13,620
Berkeley,	-	-	-	-	10,988
Rappahannock,	-	-	-	-	8,226
					<hr/> 94,312

## TENTH DISTRICT.

Counties, &c.					Federal Nos.
Frederick,	-	-	-	-	15,057
Morgan,	-	-	-	-	3,508
Hampshire,	-	-	-	-	13,463
Shenandoah,	-	-	-	-	13,403
Hardy,	-	-	-	-	9,039
Rockingham,	-	-	-	-	19,361
Page,	-	-	-	-	7,217
Warren,	-	-	-	-	5,908
Clarke, (estimated,)	-	-	-	-	3,000
Pendleton,	-	-	-	-	5,666
					<hr/> 93,622

## ELEVENTH DISTRICT.

Counties, &c.					Federal Nos.
Rockbridge,	-	-	-	-	14,366
Botetourt,	-	-	-	-	13,413
Craig,	-	-	-	-	3,047
Bath,	-	-	-	-	3,237
Alleghany,	-	-	-	-	9,779
Monroe,	-	-	-	-	9,405
Greenbrier,	-	-	-	-	3,491
Pocahontas,	-	-	-	-	1,756
Raleigh,	-	-	-	-	3,724
Nicholas,	-	-	-	-	3,892
Fayette,	-	-	-	-	4,081
Highland,	-	-	-	-	4,176
Braxton,	-	-	-	-	1,612
Wyoming,	-	-	-	-	5,162
Randolph,	-	-	-	-	6,307
Giles,	-	-	-	-	4,151
Mercer,	-	-	-	-	
					<hr/> 91,497

## TWELFTH DISTRICT.

Counties, &c.					Federal Nos.
Kanawha,	-	-	-	-	14,097
Logan,	-	-	-	-	3,885
Boone,	-	-	-	-	3,164
Wayne,	-	-	-	-	4,684
Cabell,	-	-	-	-	6,142
Putnam,	-	-	-	-	5,082
Mason,	-	-	-	-	7,280
Jackson,	-	-	-	-	6,523
Wirt,	-	-	-	-	3,340
Gilmer,	-	-	-	-	3,446
Wood,	-	-	-	-	9,301
Ritchie,	-	-	-	-	3,895
Tyler,	-	-	-	-	5,363
Lewis,	-	-	-	-	9,884
Pleasants, (estimated,)	-	-	-	-	3,000
Upshur, (estimated,)	-	-	-	-	4,000
					<hr/> 93,106

## THIRTEENTH DISTRICT.

Counties, &c.					Federal Nos.
Ohio,	-	-	-	-	17,940
Brooke,	-	-	-	-	5,041
Hancock,	-	-	-	-	4,049
Marshall,	-	-	-	-	10,118
Wetzel,	-	-	-	-	4,277
Monongalia,	-	-	-	-	12,316
Preston,	-	-	-	-	11,673
Marion,	-	-	-	-	10,514
Taylor,	-	-	-	-	5,300
Harrison,	-	-	-	-	11,533
Barbour,	-	-	-	-	8,960
					<hr/> 101,721





[DOC. No. LXVII.]

# STATEMENT

RELATIVE TO THE

NUMBER OF SQUARE MILES, ETC. ETC.

IN

EACH COUNTY, CITY, ETC.

OF

THE STATE OF VIRGINIA.

1852-3.



AUDITOR'S OFFICE, RICHMOND,  
February 21, 1853.

SIR,

I enclose herewith a statement showing the number of square miles, the whole population in 1850, the amount of revenue assessed by the commissioners of the revenue in 1852, together with the aggregate of these numbers in each county, city, &c. of the commonwealth of Virginia—prepared in compliance with a resolution of the house of delegates, agreed to on the 11th instant; which I will thank you to submit to the body over which you preside.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,  
*Auditor of Public Accounts.*

HON. O. M. CRUTCHFIELD, *Speaker*  
*of the House of Delegates of Va.*



## A TABLE

*Showing the Number of Square Miles, the Whole Population in 1850, the Amount of Revenue Assessed by the Commissioners of the Revenue in 1852, together with the Aggregate of these Numbers in each County, City, &c. of the Commonwealth—prepared in compliance with a Resolution of the House of Delegates, agreed to on the 11th day of February 1853.*

	Whole Population in 1850.	Amount of Taxes assessed in 1852 by Com'r Rev.	Number of Square Miles, &c.		Aggregate of the Columns preceding
			Miles.	Acres.	
Accomack, - -	17890	9732 37	368	261	27990
Albemarle, - -	25800	17767 22	730	191	44297
Alexandria, - -	10008	10580 27	27	323	20615
Alleghany, - -	3515	1821 80	531	215	5868
Amelia, - -	9770	5968 11	345	411	16063
Amherst, - -	12699	6756 45	455	565	19911
Appomattox, - -	9193	4428 76	320	117	13942
Augusta, - -	24592	23816 78	941	298	49350
Barbour, - -	9005	3085 56	445	533	12536
Bath, - -	3426	2314 77	696	348	6437
Bedford, - -	24080	11499 03	753	569	36333
Berkeley, - -	11771	10752 92	306	151	22830
Boone, - -	3237	926 26	505	534	4669
Botetourt, - -	14908	7052 87	668	355	22629
Braxton, - -	4212	1523 53	1498	132	7234
Brooke, - -	5054	3775 08	88	295	8917
Brunswick, - -	13894	6878 28	545	528	21318
Buckingham, - -	13837	8440 34	567	240	22844
Cabell, - -	6299	3253 54	692	605	10245
Campbell, - -	23245	17927 40	511	488	41684
Caroline, - -	18456	9800 47	508	322	28766
Carroll, - -	5909	1599 50	576	446	8085
Charles City, - -	5200	3310 06	173	422	8683
Charlotte, - -	13955	10356 00	466	422	24777
Chesterfield, - -	17489	11282 85	461	116	29233
Clarke, - -	7352	8688 74	177	531	16218
Craig, - -	4650	1343 58	235	215	6229
Culpeper, - -	12282	8475 37	359	049	21116
Cumberland, - -	9751	6025 51	294	547	16071
Dinwiddie, - -	10515	5377 32	504	027	16396
Doddridge, - -	2750	1276 70	531	414	4558
Elizabeth City, - -	4586	2510 54	54	318	7151
Essex, - -	10206	6317 63	254	224	16778
Fairfax, - -	10682	7842 56	407	526	18932
Fauquier, - -	20869	18313 58	634	179	39816
Fayette, - -	3955	1402 88	829	358	6187
Floyd, - -	6458	2076 92	438	366	8973
Fluvanna, - -	9487	5857 98	283	425	15628
Franklin, - -	17430	7327 33	670	464	25428
Frederick, - -	15975	14610 95	423	208	31009
Giles, - -	6570	2355 81	482	423	9408
Gilmer, - -	3475	2261 88	1545	624	7283
Gloucester, - -	10527	5470 13	211	041	16208
Goochland, - -	10352	7337 73	277	052	17967
Grayson, - -	6677	1959 73	724	261	9361
Greenbrier, - -	10022	8021 67	1197	126	19240

	Whole Population in 1850.	Amount of Taxes assessed in 1852 by Com'r Rev.	Number of Square Miles, &c.	Aggregate of the three preceding Columns.
			Miles. Acres.	
Greene, . . . . .	4400	2388 54	160 359	6949
Greensville, . . . . .	5639	2984 36	286 055	8909
Halifax, . . . . .	25962	14685 05	795 001	41442
Hampshire, . . . . .	14036	8121 36	953 247	23110
Hanover, . . . . .	15153	9117 33	452 292	24722
Hancock, . . . . .	4050	2152 41	81 615	6284
Hardy, . . . . .	9543	7120 28	1068 115	17731
Harrison, . . . . .	11728	7475 68	575 059	19779
Henrico, . . . . .	16089	12713 25	258 082	29060
Henry, . . . . .	8872	3597 62	344 038	12813
Highland, . . . . .	4227	3300 00	329 062	7856
Ile of Wight, . . . . .	9356	5273 55	292 431	14922
Jackson, . . . . .	6544	3239 66	1152 625	10936
James City, . . . . .	4020	3093 37	143 163	7256
Jefferson, . . . . .	15357	17303 16	198 088	32858
Kanawha, . . . . .	15353	7835 06	2037 016	25225
King George, . . . . .	5971	3808 61	176 327	9956
King William, . . . . .	8779	5941 07	263 329	14983
King & Queen, . . . . .	10319	5755 49	296 518	16371
Lancaster, . . . . .	4708	2926 67	127 396	7762
Lee, . . . . .	10267	3591 91	682 090	14541
Lewis, . . . . .	10031	3209 90	1577 038	14818
Logan, . . . . .	3620	1018 72	1502 307	6141
Loudoun, . . . . .	22079	24410 97	502 257	46992
Louisa, . . . . .	16691	10891 56	498 073	28080
Lunenburg, . . . . .	11692	5826 30	418 184	17936
Madison, . . . . .	9331	6228 13	350 560	15910
Marion, . . . . .	10552	5620 40	358 177	16530
Marshall, . . . . .	10138	4403 85	352 009	14894
Mason, . . . . .	7539	4930 43	495 538	12965
Mathews, . . . . .	6714	2331 23	84 461	9130
Mecklenburg, . . . . .	20630	11883 18	640 457	33154
Mercer, . . . . .	4222	1420 70	594 527	6237
Middlesex, . . . . .	4394	2604 79	127 612	7126
Monongalia, . . . . .	12387	6371 61	434 029	19092
Monroe, . . . . .	10204	6892 13	640 159	17736
Montgomery, . . . . .	8359	4703 05	359 555	13422
Morgan, . . . . .	3557	1783 51	227 503	5568
Nansemond, . . . . .	12283	6217 59	394 088	18894
Nelson, . . . . .	12758	6793 27	474 552	20026
New Kent, . . . . .	6064	2965 33	203 382	9232
Nicholas, . . . . .	3963	1772 99	2054 027	7790
Norfolk county, . . . . .	18719	10837 56	326 142	29882
Northampton, . . . . .	7498	4882 24	164 146	12544
Northumberland, . . . . .	7346	3657 94	185 089	11189
Nottoway, . . . . .	8437	5107 00	308 398	13852
Ohio, . . . . .	18006	12238 07	101 360	30346
Orange, . . . . .	10067	6863 02	334 269	17264
Page, . . . . .	7600	5086 53	303 039	12989
Patrick, . . . . .	9609	3406 79	1185 327	14201
Pendleton, . . . . .	5795	3014 17	720 201	9529
Pittsylvania, . . . . .	28796	13227 28	971 623	42995
Pleasants, . . . . .	2490	878 80	159 004	3528
Pocahontas, . . . . .	3598	2593 88	1129 354	7321
Powhatan, . . . . .	8178	5758 72	231 048	14168
Preston, . . . . .	11708	3738 41	759 253	16205
Princess Anne, . . . . .	7669	4117 13	245 803	12032
Prince Edward, . . . . .	11857	8148 66	341 610	20347
Prince George, . . . . .	7596	5311 98	281 260	13189
Prince William, . . . . .	8229	5231 05	343 285	13803

	Whole Population in 1850.	Amount of Taxes assessed in 1852 by Com'r Rev.	Num'b'r of Square Miles, &c.	Aggregate of the three preceding Columns.
			Miles. Acres.	
Pulaski, . . . . .	5118	3390 43	282 436	8791
Putnam, . . . . .	5335	2123 71	335 616	7694
Raleigh, . . . . .	1765	717 30	750 507	3233
Randolph, . . . . .	5243	3028 20	3303 412	11574
Rappahannock, . . . . .	9752	5901 84	260 030	15914
Richmond, . . . . .	6448	2896 51	187 102	9531
Ritchie, . . . . .	3902	1706 15	933 058	6541
Roanoke, . . . . .	8477	5422 05	327 531	14227
Rockbridge, . . . . .	16045	11157 87	696 213	27899
Rockingham, . . . . .	20294	18147 03	942 156	39383
Russell, . . . . .	11919	3640 16	889 006	16448
Scott, . . . . .	9823	2670 42	1648 238	14141
Shenandoah, . . . . .	13768	9981 74	498 230	24247
Smyth, . . . . .	8162	4440 97	480 437	13083
Southampton, . . . . .	13521	6870 84	571 058	20963
Spotsylvania, . . . . .	14911	11831 65	400 223	27143
Stafford, . . . . .	8044	4715 84	261 373	13021
Surry, . . . . .	5679	3150 32	248 502	9078
Sumner, . . . . .	10020	4706 79	461 290	15188
Taylor, . . . . .	5367	2624 18	231 330	8222
Tazewell, . . . . .	9942	4173 87	4328 054	18444
Tyler, . . . . .	5398	1921 72	528 027	7848
Upshur, . . . . .	9056	2388 27	861 462	12306
Warren, . . . . .	6607	4488 57	188 635	11284
Warwick, . . . . .	1546	1091 74	67 067	2705
Washington, . . . . .	14612	8365 46	589 492	23567
Wayne, . . . . .	4760	1842 13	286 210	6888
Westmoreland, . . . . .	8080	3923 53	224 456	12228
Wetzel, . . . . .	4234	1587 66	335 562	6207
Wirt, . . . . .	3353	1379 33	468 112	5193
Wood, . . . . .	9450	4291 48	545 170	14286
Wyoming, . . . . .	1645	569 68	257 148	2472
Wythe, . . . . .	12024	7065 05	1092 369	20182
York, . . . . .	4460	2425 37	109 307	6994
Danville.*				
Fredericksburg.†				
Lynchburg.‡				
Norfolk city, . . . . .	14320	15159 67		29480
Petersburg, . . . . .	14603	15611 95		30215
Richmond city, . . . . .	27483	37466 81		64950
Staunton.§				
Wheeling.				
Williamsburg.¶				
Winchester.**				

\* Embraced in Pittsylvania county

† Included in Spotsylvania county.

‡ Included in Campbell county.

§ Embraced in Augusta county.

|| Embraced in Ohio county.

¶ Embraced in James City county.

\*\* Embraced in Frederick county.

RO. JOHNSTON,  
Auditor of Public Accounts.

Auditor's Office, Richmond, Feb. 21, 1852.





[DOC. No. LXVIII.]

CONDITION

OF THE

EXCHANGE BANK OF VIRGINIA,

DECEMBER 31, 1852.



**EXECUTIVE DEPARTMENT,**

**FEBRUARY 23, 1853.**

**SIR,**

I enclose herewith, for the information of the general assembly, a statement of the condition of the Exchange Bank of Virginia on the 31st of December last.

**Very respectfully,**

**Yours, &c.**

**JOS. JOHNSON.**

*The Speaker of the House of Delegates.*



# EXCHANGE BANK OF VIRGINIA,

**Quarter ending December 31, 1852.**



*General and Particular Statement of the Condition of the Exchange Bank of Virginia and its Branches, on the 31st December 1852.*

	Local Note and Bills discounted.	Inland Bills purchased.	Foreign Bills of Exchange.	Due by Bank & Branches.	Due by other Banks.	Banking Houses and Lots.	Other Real Estate acquired.	Notes of Bank and Branches.	Notes of Virginia Banks.	Notes of Banks elsewhere.	Specie.	Expenses.	Exchange.	Suspended Debt.
Parent bank, Norfolk.	551592 36	66061 46	-	80969 94	60821 94	16514 19	-	220 00	4691 00	730 00	45291 05	1349 61	31 12	-
Branch at Richmond.	711646 94	525412 07	33543 61	24653 61	100166 25	33979 96	-	225 00	58550 00	745 00	100515 00	768 11	-	16254 79
Petersburg.	374532 16	409160 98	-	4053 72	31114 47	24273 68	-	5565 00	13841 00	3603 00	70422 30	-	-	-
Clarksville.	440532 30	96012 73	-	10841 30	584 00	8681 81	5090 92	730 00	9653 00	4504 00	70380 06	386 50	15 41	-
Alexandria.	378620 49	48976 44	-	5896 74	60312 40	4086 76	-	4140 00	10438 00	4440 00	43264 14	437 54	2 78	-
Abingdon.	377846 51	-	-	4075 65	3474 20	-	-	61575 00	18069 00	9440 00	69392 79	137 52	9 78	-
Salem.	264431 34	2500 00	-	16343 01	4697 11	25 00	-	45 00	13365 00	-	46791 52	220 83	-	-
Weston.	131545 60	-	-	-	3893 01	-	-	39620 00	170 00	1440 00	32398 89	13 87	-	-
	1148193 70	1148193 70	33543 61	146434 27	270293 04	87551 40	5090 92	112450 00	132297 00	24002 00	478455 83	3321 98	59 09	16254 79
	\$3260349 14													5709726 77
<b>B 115126 43</b>														
<b>\$31,307 84</b> <i>retaining balance, &amp;c.</i>														
<b>A</b>														
<b>D</b>														
<b>C</b>														

# *Recapitulation of Discounts or active Debt.*

At the parent bank,	618,053 84	Of this debt all is considered good.			
At the branch at Richmond,	1,287,059 01	Do.	do.	and of their suspended debt, doubtful \$16,600 00 as per the last statement	
"	783,493 14	Do.	do.		
"	538,446 03	Do.	do.		
"	487,596 93	Do.	do.		
"	377,946 85	Do.	do.	excepting, doubtful,	135 00
"	264,431 24	Do.	do.		
"	134,045 60	Do.	do.		
	<u>\$4,408,979 84</u>			Amount doubtful,	<u>\$16,735 00</u>
					<u>          </u>
Summary,					
Add A,				5,478,769 97	
B,				112,450 00	
C,				115,198 43	
D,				59 09	
				3,391 98	
General statement,				<u>\$5,709,796 77</u>	



	Capital.	Circulation.	Due to Bank & Branches.	Due to other Banks.	Dividends un-claimed.	Deposits.	Contingent fund.	Discounts.	Exchange.	General profit and loss.
Parent bank, Norfolk,	400000 00	171802 00	-	25231 92	834 50	112817 52	2460 07	7097 71	-	113423 25
Branch at Richmond,	500000 00	494488 50	48472 25	86465 74	180 00	385744 80	98699 17	3741 58	100 58	
Petersburg,	400000 00	371586 00	14612 15	32070 80	48 00	131230 40	-	2422 44	36 99	
Clarksville,	290000 00	332385 00	12013 03	8864 36	-	53621 31	36344 55	2199 24		
Alexandria,	250000 00	204777 00	7740 56	12956 05	153 50	68791 09	13020 46	2223 87		
Abingdon,	150000 00	325765 00	10479 79	5226 24	-	40880 60	6938 41	2178 96		
Salem,	100000 00	211600 00	6571 38	4968 21	-	18638 75	2495 30	523 02	47 68	
Weston,	100000 00	83000 00	15237 27	2030 28	-	9835 13	-			
	2100000 00	2193303 50	115126 43	177813 40	1216 00	822409 60	158657 96	20389 42	185 21	113423 25
										5709726 77

C 59 09

● 126 12

B

A 112,450 00

Actual circulation, - 2,086,883 50  
 Circulation of the late Farmers Bank, Alexandria, - 2,382 00

● 2,084,471 50

Do. of the issues of this bank,

**SUM***The Institution, for its Liabilities, Dr.*

<b>Capital,</b>	-	-	-	-	-	-	2,100,000 00
<b>Circulation,</b>	-	-	-	-	-	-	2,086,853 50
<b>Due to other banks, in account,</b>	-	-	-	-	-	-	177,813 40
<b>Deposits in dividends unclaimed,</b>	-	-	-	-	-	1,216 00	
<b>in individuals' accounts,</b>	-	-	-	-	-	822,409 60	
							<u>823,625 60</u>
<b>Contingent fund—general account,</b>	-			159,857 96			
<b>Profit and loss,</b>	-			113,425 25			
							<u>273,283 21</u>
<b>Discounts at branches since the 30th Nov. 1853,</b>				20,389 42			
<b>Exchange</b>				126 12			
							<u>20,515 54</u>
<b>Less expenses</b>				3,321 96			
							<u>Surplus,</u>
						17,193 55	
							<u>290,476 77</u>
							<u>\$ 5,478,769 27</u>

## M A R Y .

*The Institution, for its Assets,      Ca.*

Loans to individuals, &c.	-	-	-	-	4,408,972 84
Foreign bills of exchange,	-	-	-	-	33,543 61
Suspended debt at Petersburg,	-	-	-	-	16,364 79
Due by other banks, in account,	-	-	-	270,293 04	
in notes of Va. banks,	122,397 00				
" of banks elsewhere,	24,902 00				
			147,999 00		417,592 04
Real estate, in banking-houses and lots,	-	-	87,551 40		
in property acquired for debt,	-	-	5,090 92		
					92,642 32
Specie on hand, in gold,	-	-	401,793 14		
in silver,	-	-	76,662 69		
					478,455 83
Resulting balance of transactions yet in transit among the departments of the bank,	-	-	-	-	31,307 84
					<u>\$ 5,478,769 27</u>

*Bills in Circulation, and of each Denomination.*

	100s.	50s.	20s.	15s.	10s.	5s.	2s.	1s.	TOTAL.
At Norfolk, -	332	543	1623	1128	2872	3129	48	186	154377 00
Richmond, -	1656	2585	2935	2503	2966½	7433½	114	233	448388 50
Petersburg, -	36	1962	6979	1496	5983	8073	37	157	364146 00
Clarksville, -	838	1207	3941½	1161	5018	7413	95	350	328180 00
Alexandria, -	250	356	1335	1741	4046	8551	-	-	178830 00
Abingdon, -	377	1764	3404	2274	5767	8219	-	-	326855 00
Salem, -	973	1160	780	798	1577	1188	-	-	204590 00
Weston, -	143	360	672	797	1192	1900	-	-	79115 00
	4505	9937	21669½	11898	29421½	45906½	294	926	2084471 50

For the last dividend declared, see the last quarterly statement.

For the contingent fund,           do.           do.           do.

## EXCHANGE ACCOUNT.

## AT PARENT BANK:

Northern Funds:	
\$37,368 55, at $\frac{1}{2}$ a 1 per cent. prem.	149 17
Southern Funds:	
\$6,785 79, Car's money, at $\frac{1}{2}$ p. c. dis.	16 96
Profit and loss,	764 71
	<u>\$930 84</u>

## AT RICHMOND:

\$440,532, principally Northern funds,	
at $\frac{1}{2}$ a 1 per cent. prem.	1,516 51
Profit and loss, 30th Nov. 1852,	2,822 92
	<u>\$4,339 43</u>

31 12

## AT PETERSBURG:

\$200,524, Northern funds, at $\frac{1}{2}$ a 1	
per cent. prem.	887 53
Profit and loss, 30th Nov. 1852,	1,493 26
Balance to new account,	100 56
	<u>\$2,481 37</u>

## AT CLARKESVILLE:

\$14,159 10, Northern funds bought,	
at $\frac{1}{2}$ per cent. prem.	35 53
Transport'n of gold from Phil'a, &c.	4 50
Profit and loss, 30th Nov. 1852,	337 95
Balance to new account,	36 99
	<u>\$414 99</u>

## AT ALEXANDRIA:

\$115,422, at $\frac{1}{2}$ a 1 per cent. prem.	
Profit and loss, 30th Nov. 1852,	88 02
	<u>\$466 14</u>

15 41

## AT ABINGDON:

\$721, Northern funds, at $\frac{1}{2}$ a 1 per	
cent. prem.	3 60
Profit and loss, 30th Nov. 1852,	65 51
	<u>\$69 11</u>

2 78

Carried forward, \$49 31

## AT PARENT BANK:

Balance 30th September 1852,	392 39
Northern Funds:	
\$92,173, at $\frac{1}{2}$ a 1 per cent. prem.	510 95
Southern Funds:	
\$2,282, Car's money, at $\frac{1}{2}$ p. c. dis.	11 40
Damages on \$536 96, returned bills,	16 10
at 3 per cent.	
	<u>\$930 84</u>

## AT RICHMOND:

Balance 30th September 1852,	1,668 50
\$547,192, principally North'n checks,	
at $\frac{1}{2}$ a 1 per cent. prem.	2,477 96
Gain on foreign bills of exchange,	
from 31st May to 30th Nov. 1852,	161 85
Balance to new account,	31 12
	<u>\$4,339 43</u>

## AT PETERSBURG:

Balance 30th September 1852,	920 53
\$334,352, Northern funds, at $\frac{1}{2}$ a 1	
per cent. prem.	1,560 85
	<u>\$2,481 37</u>

100 56

## AT CLARKESVILLE:

Balance 30th September 1852,	216 42
\$131 55 collected, at 1 per cent.	1 31
\$45,401 28, Northern funds sold, at	
$\frac{1}{2}$ to $\frac{1}{2}$ per cent. prem.	197 26
	<u>\$414 99</u>

36 99

## AT ALEXANDRIA:

Balance 30th September 1852,	90 76
\$84,643, at $\frac{1}{2}$ a 1 per cent. prem.	359 97
Balance to new account,	15 41
	<u>\$466 14</u>

## AT ABINGDON:

Balance 30th September 1852,	59 67
\$745, Northern funds, at $\frac{1}{2}$ a 1 per	
cent. prem.	6 66
Balance to new account,	2 78
	<u>\$69 11</u>

Carried forward, \$137 65

EXCHANGE ACCOUNT—*Continued.*

Brought forward,		49 31	Brought forward,		137 55
AT SALEM:			AT SALEM:		
Balance 30th September 1852,	39 78		\$190, Northern funds, at $\frac{1}{2}$ p. c. prem.	95	
Premium paid on \$4060, specie,	22 80		Profit and loss, 30th November 1852,	51 85	
			Balance to new account,	9 78	
	<u>\$ 62 58</u>	9 78		<u>\$ 62 58</u>	
AT WESTON:			AT WESTON:		
\$15,200, Northern funds bought, at $\frac{1}{2}$			Balance 30th September 1852,	6 24	
to $\frac{1}{2}$ per cent. prem.	61 38		\$7,694 38, Northern funds sold, at $\frac{1}{2}$		
Profit and loss, 30th November 1852,	1 78		a 1 per cent. prem.	70 46	
Balance to new account,	47 66		\$6,824 33, Virginia funds bought, at		
			$\frac{1}{2}$ per cent. dis.	34 12	
	<u>\$110 82</u>			<u>\$110 82</u>	47 66
Balance, per statement,		126 12			
		<u>\$185 21</u>			<u>\$185 21</u>



*A Comparative View of the Condition of the Exchange Bank of Virginia*

ASSETS.	1851.	1852.
Loans to individuals, &c. - - - -	3838103 10	4408972 84
Foreign bills of exchange, - - - -	19688 89	33543 61
Suspended debt at Petersburg, - - - -	18425 29	16254 79
Due from other banks:		
In account, - - - -	233747 42	270293 04
In notes of Virginia Banks, - - - -	159667 00	122397 00
" of banks elsewhere, - - - -	13294 00	24902 00
Real estate, - - - -	91947 53	92642 32
Specie, - - - -	410960 37	478455 83
Resulting balance of transactions yet in transit, bank and branches, - - - -	12143 11	31307 84
	\$ 4797976 71	5478769 27



*and Branches, taken from the Quarterly Statements of the 31st Dec. 1851 and 1852.*

LIABILITIES.	1851.	1852.
Capital, - - - - -	1940000 00	2100000 00
Circulation, - - - - -	1598830 50	2086853 50
Due to other banks—in account, - - - - -	93169 16	177813 40
Deposits, - - - - -	916184 64	823625 60
Excess of assets, - - - - -	249792 41	290476 77
	<b>\$ 4797976 71</b>	<b>5478769 27</b>

W. SOUTHGATE, Cash.

We, the undersigned, directors of the Exchange Bank of Virginia, having examined the foregoing statements, certify that they exhibit the true condition of the bank on the 31st December 1852, and that the resolution of the stockholders, at their meeting of the 5th May 1841, in regard to the accuracy of the accounts of individuals with the bank, has been complied with, as follows:

The general and private ledgers show a perfect agreement at Alexandria, Abingdon and Weston.

General and private ledgers show a variation at Richmond, of	-	-	\$ 91 63
Do. do. do. Petersburg,	-	-	5 53
Do. do. do. Clarkesville,	-	-	1 50
Do. do. do. Salem,	-	-	6 49
Do. do. do. Norfolk,	-	-	17

RICH'D DICKSON.  
CHAS. H. SHEILD.  
THOS. B. BRETT,  
W. H. SMITH,  
WM. J. HARDY.

Norfolk City, to wit:

Personally appeared before me, an alderman of the said city, Wright Southgate, cashier of the Exchange Bank of Virginia, who made oath that the preceding statements faithfully exhibit the condition of the bank on the 31st Dec. 1852.

Given under my hand and seal this 19th day of February 1853.

CHAS. H. SHEILD, J. P.

[ DOC. No. LXIX.]

A LIST

OF

COMMISSIONERS APPOINTED BY THE EXECUTIVE

IN

THE SEVERAL STATES, ETC.

1852-3.



EXECUTIVE DEPARTMENT,  
FEBRUARY 23, 1853.

Sir,

I communicate herewith a list of all commissioners in other states and in the District of Columbia, appointed by the executive of Virginia, and who appear to be still in office, with the date of appointment and residence of each.

Very respectfully,

Yours, &c.

JOS. JOHNSON.

*The Speaker of the House of Delegates.*



## A LIST OF COMMISSIONERS

*In other States and in the District of Columbia, appointed by the Executive of Virginia, and appearing to be in Office on the 23d day of February 1853, with the Date of Appointment and the Residence of each Commissioner.*

State.	Name of Commissioner.	Date of Appointment.	Residence.
Alabama,	Thomas A. Hamilton,	Mar. 28, 1845,	Mobile.
"	George Conway,	Feb. 28, 1848,	"
"	Robert B. Armistead,	Oct. 16, 1849,	"
"	Samuel C. Stramler,	Aug. 2, 1852,	"
"	William M. Brooks,	Aug. 19, 1846,	Dayton.
"	William Garrett,	Nov. 13, 1845,	Tuscaloosa.
"	James T. Hill,	Oct. 9, 1845,	Livingston.
"	Charles A. T. Price,	Feb. 16, 1847,	Montgomery.
"	Thomas Harrison,	Nov. 26, 1850,	"
"	G. Garrett,	Mar. 2, 1850,	Summerfield.
Arkansas,	William W. Floyd,	June 3, 1851,	Clarkeville.
California,	Richard A. Maupin,	Jan. 9, 1849,	San Francisco.
"	S. Woodson Venable,	Aug. 9, 1849,	"
"	Thomas N. Cazneau,	Mar. 16, 1850,	"
"	George J. Whelan,	July 1, 1850,	"
"	William Rabe,	July 1, 1852,	"
"	Lewis W. Sloat,	Aug. 2, 1852,	"
"	Cameron Erskine Thom,	July 1, 1850,	Sacramento city.
"	William L. Higgins,	July 19, 1850,	"
"	Samuel Cross,	Oct. 12, 1852,	"
"	Micajah D. Wilson,	April 11, 1849,	Probably San Francisco.
"	John W. Shore,	Sept. 18, 1849,	"
Connecticut,	John T. Wait,	May 26, 1847,	Norwich, New London co.
"	Gordon L. Ford,	Oct. 13, 1852,	New London.
Delaware,	William B. Wiggins,	July 2, 1850,	Wilmington.
Florida,	George W. Hutchins,	June 12, 1847,	Tallahassee.
"	C. W. Downing,	Mar. 9, 1852,	"
"	J. McRobert Baker,	Dec. 1, 1849,	Jacksonville, E. F.
"	M. P. de Rioboo,	Oct. 28, 1852,	Pensacola.
Georgia,	David Reid,	Dec. 23, 1847,	Macon.
"	William R. McLaws,	May 27, 1850,	Augusta.
"	William W. Arnold,	Dec. 15, 1851,	Pike county.
"	Edward G. Wilson,	July 3, 1852,	Savannah.
Illinois,	Ephraim S. Seymour,	May 18, 1848,	Galena.
"	Henry A. Clark,	Feb. 16, 1848,	Chicago.
"	Edwin C. Larned,	Mar. 18, 1850,	"
"	O. R. W. Lull,	July 22, 1851,	"
"	Joseph P. Clarkson,	Nov. 8, 1851,	"
"	John W. Wills,	Sept. 12, 1851,	Peoria.
Indiana,	Joseph B. Cornelius,	Mar. 7, 1849,	Rockville, Parke county.
"	William F. Day,	Sept. 13, 1850,	Fort Wayne.
"	Edward H. Brackett,	May 13, 1852,	Lafayette, Tippecanoe co.
"	William R. Strange,	Jan. 4, 1853,	Indianapolis.
Iowa,	William Joshua Burney,	April 17, 1849,	Dubuque.
"	Hugh W. Sumple,	Mar. 15, 1852,	Keokuk.
Kentucky,	Taliaferro P. Shaffner,	Mar. 14, 1846,	Louisville.
"	Caleb W. Logan,	Dec. 18, 1849,	"
"	Joseph B. Kinkead,	July 1, 1850,	"
"	Thomas D. Tilford,	Sept. 10, 1846,	Frankfort.
"	Joel C. Richmond,	Feb. 24, 1819,	"
"	Richard B. Carpenter,	Mar. 13, 1849,	Covington.
"	John D. McGill,	Jan. 9, 1850,	"

State.	Name of Commissioner.	Date of Appointment.	Residence.
Kentucky,	C. H. Moore,	July 16, 1850,	Covington.
"	John W. Finnell,	May 5, 1851,	"
"	B. F. Graves,	Jan. 28, 1850,	Lexington.
"	Charles J. Morton,	Feb. 14, 1850,	Shelbyville.
"	Thomas B. Smith,	Feb. 26, 1850,	Paris.
"	Richard H. Collins,	Nov. 6, 1851,	Maysville.
"	John B. Aiken,	July 23, 1852,	Rayle county.
Louisiana,	Thomas P. Durant,	Mar. 28, 1845,	New Orleans.
"	D. J. Ricardo,	Mar. 28, 1845,	"
"	Charles S. McRae,	Oct. 9, 1845,	"
"	Constantine B. Beverley,	April 17, 1850,	"
"	Paul Pecquet,	Dec. 20, 1850,	"
"	William Shannon,	May 14, 1851,	"
"	William Monaghan,	May 29, 1851,	"
"	Wyndham Robertson, jr.	Feb. 9, 1852,	"
"	M. M. Cohen,	Nov. 3, 1852,	"
"	Richard T. Buckner,	Dec. 29, 1850,	Shreveport.
"	John M. Landrum,	Jan. 31, 1853,	"
Maine,	James L. Child,	Oct. 16, 1849,	Augusta.
Maryland,	James B. Latimer,	April 22, 1844,	Baltimore.
"	William Meade Addison,	Feb. 19, 1847,	"
"	Jabez D. Pratt,	Dec. 14, 1847,	"
"	R. W. Marryatt,	Jan. 27, 1849,	"
"	Charles Z. Lucas,	Feb. 6, 1851,	"
"	Benjamin A. Lavender,	Dec. 18, 1852,	"
"	George H. Hickman,	Oct. 29, 1846,	Cumberland.
"	Josiah H. Gordon,	Aug. 9, 1849,	"
"	James McSherry,	Feb. 17, 1849,	Frederick City.
"	Andrew K. Syester,	Oct. 24, 1851,	Hagerstown.
Massachusetts,	Ivers P. Austin,	April 24, 1844,	Boston.
"	Peter Oliver,	Nov. 15, 1845,	"
"	Abraham Jackson, jr.	Nov. 15, 1845,	"
"	J. Wingate Thornton,	Nov. 19, 1846,	"
"	J. H. Buckingham,	Oct. 16, 1849,	"
"	Warren Tilton,	Nov. 8, 1849,	"
"	John S. Hale,	Jan. 9, 1851,	"
"	Charles B. F. Adams,	June 7, 1851,	"
"	Edmund B. Otis,	June 13, 1851,	"
"	P. Emory Aldrich,	Dec. 30, 1845,	Springfield.
"	H. L. Conoly,	July 1, 1847,	Salem.
"	N. T. Westfield,	Dec. 8, 1847,	Hampden county.
"	J. Henry Hill,	June 20, 1849,	Worcester.
Michigan,	Gleason F. Lewis,	Feb. 8, 1848,	Detroit.
"	Ebenezer H. Rogers,	April 30, 1849,	"
"	David Preston,	June 21, 1852,	"
"	C. C. Burt,	Feb. 9, 1849,	Homer, Calhoun county.
Minnesota,	Jacob J. Noah,	July 19, 1850,	St. Pauls, St. Croix co.
Mississippi,	Adolphus G. Weir,	April 23, 1844,	Columbus.
"	Peter Besancon,	April 24, 1844,	Natchez.
"	Hallam Eldridge,	July 19, 1850,	"
"	Robert W. Wood,	Oct. 21, 1851,	"
"	Richard Burnett,	April 1, 1846,	Vicksburg.
"	James T. Marye,	Mar. 2, 1847,	Port Gibson.
"	George West,	May 21, 1847,	Holly Springs.
"	Leonidas V. Dixon,	Aug. 4, 1847,	Jackson city.
Missouri,	John H. Watson,	Nov. 13, 1845,	St. Louis.
"	Christopher Garvey,	Nov. 13, 1845,	"
"	Thomas J. Beirne,	May 5, 1845,	"
"	John Garnett,	Dec. 8, 1847,	"
"	Robert Stevens,	July 11, 1848,	"
"	Thaddeus K. Wetmore,	July 11, 1849,	"
"	Samuel M. Breckenridge,	Feb. 7, 1850,	"
"	Mann Butler,	July 1, 1850,	"
"	John Y. Page,	Jan. 22, 1851,	"
"	Edward W. Shands,	April 23, 1852,	"



State.	Name of Commissioner.	Date of Appointment.	Residence.
Missouri,	Charles H. Hardin,	Feb. 16, 1847,	Fulton.
"	William A. Moffett,	Dec. 12, 1848,	Hannibal, Marion co.
"	Robert F. Lakenan,	Feb. 11, 1850,	" "
"	M. M. Parsons,	Dec. 15, 1849,	Jefferson City.
"	William Anderson,	Feb. 1, 1851,	Lexington.
"	E. B. Jeffress,	Feb. 5, 1851,	Union, Franklin co.
"	E. S. Wilkinson,	Oct. 8, 1852,	Weston.
N. Hampshire,	William B. Parker,	Mar. 28, 1845,	Portsmouth.
"	C. W. Woodman,	Feb. 23, 1853,	Dover.
New Jersey,	Richard W. Howell,	Oct. 13, 1845,	Camden.
"	Simeon Hart,	Oct. 17, 1845,	Passaic co.
"	Gordon L. Ford,	May 10, 1847,	Morristown.
"	John J. Plume,	Sept. 30, 1848,	Newark.
New York,	Moses B. Maclay,	April 22, 1844,	New York city.
"	John Bissell,	Oct. 28, 1844,	"
"	John M. Mason,	Oct. 28, 1844,	"
"	Charles J. Bushnell,	Feb. 28, 1849,	"
"	Edward J. Wilson,	June 12, 1849,	"
"	John B. Breckenridge,	April 11, 1850,	"
"	Joseph C. Lawrence,	April 17, 1850,	"
"	John Livingston,	May 9, 1851,	"
"	James Bridge,	Dec. 31, 1851,	"
"	Henry C. Banks,	June 28, 1852,	"
"	James H. Patterson,	Mar. 26, 1845,	Brooklyn.
"	Charles H. Thomson,	July 1, 1850,	"
"	John Fitch,	Mar. 28, 1845,	Troy.
"	Robert J. Hilton,	Feb. 19, 1849,	Albany.
"	Warren S. Kelley,	June 26, 1849,	"
"	James S. Gibbs,	Mar. 20, 1848,	Buffalo.
"	Powers L. Green,	April 3, 1848,	Little Falls, Herkimer co.
North Carolina,	George Little,	Feb. 21, 1846,	Raleigh.
"	Nathaniel J. Palmer,	Oct. 15, 1847,	Milton.
"	Adam Empie, jr.	Jan. 16, 1852,	Wilmington.
Ohio,	George E. Pugh,	May 30, 1844,	Cincinnati.
"	James W. Taylor,	Nov. 13, 1845,	"
"	A. H. McGuffey,	Dec. 22, 1848,	"
"	Edward R. Newhall,	April 7, 1849,	"
"	Joseph McDougal, jr.	April 16, 1850,	"
"	Robert Hutchinson,	Mar. 9, 1852,	"
"	John Sutherland,	Oct. 5, 1846,	Steubenville.
"	Joseph Cline,	Feb. 19, 1847,	Montgomery.
"	William B. Arven,	Jan. 8, 1848,	Newark.
"	David L. King,	Jan. 31, 1852,	Cleveland.
"	Gleason F. Lewis,	May 31, 1852,	"
Pennsylvania,	John Binna,	May 24, 1845,	Philadelphia.
"	Samuel L. Clement,	June 19, 1845,	"
"	William H. Abbott,	Aug. 29, 1845,	"
"	Charles Stille,	Dec. 18, 1848,	"
"	William Shippen,	Oct. 29, 1849,	"
"	John Brodhead,	April 17, 1850,	"
"	George Junkin, jr.	July 5, 1850,	"
"	Henry B. Hirst,	Nov. 13, 1850,	"
"	John F. Belstirling,	Nov. 22, 1850,	"
"	John Tyler, jr.	Jan. 9, 1851,	"
"	John H. Frick,	June 14, 1851,	"
"	Joseph T. Thomas,	July 16, 1851,	"
"	Alfred Mackay,	Oct. 28, 1851,	"
"	David B. Birney,	Oct. 6, 1852,	"
"	Daniel Smith,	Oct. 29, 1846,	Uniontown, Fayette co.
"	William McSherry,	Feb. 17, 1849,	Littlestown.
"	Robert Arthur,	Mar. 7, 1851,	Pittsburg.
"	William Bakewell,	Mar. 7, 1851,	"
"	David H. Hazen,	Dec. 17, 1851,	"
"	William W. McKnight,	May 18, 1852,	"
Rhode Island,	Henry Martin,	Nov. 17, 1847,	Providence.

State.	Name of Commissioner.	Date of Appointment.	Residence.
Rhode Island,	Samuel B. Vernon,	Feb. 5, 1851,	Providence.
South Carolina,	C. B. Northrop,	Nov. 13, 1845,	Charleston.
"	Isaac Davega,	Aug. 19, 1846,	"
"	Lewis F. Robertson,	Aug. 16, 1848,	"
"	Henry H. Baker,	Aug. 2, 1852,	"
Tennessee,	Alpha Kingsley,	May 30, 1844,	Nashville.
"	Egbert A. Raworth,	Jan. 16, 1849,	"
"	James B. Thornton,	Jan. 10, 1846,	Memphis.
"	Robert H. Pattillo,	Oct. 14, 1846,	"
"	Hume F. Hill,	May 14, 1851,	"
"	Joel L. Jones,	May 11, 1848,	Somerville.
"	Edward J. Read,	Mar. 27, 1849,	Cherryville.
"	Frank Gamewell,	Sept. 11, 1849,	Jackson.
"	Isaac Morrison,	Dec. 1, 1849,	Covington, Tipton co.
"	Philander Priestley,	Nov. 15, 1850,	Clarksville.
"	Miles S. Draughon,	Feb. 23, 1852,	Springfield, Robertson co.
Texas,	Robert D. Johnson,	July 30, 1846,	Galveston.
"	Rufus K. Hartley,	June 7, 1851,	"
"	F. D. Jackson,	April 9, 1846,	Austin.
"	Memucan Hunt,	Oct. 22, 1849,	"
"	Francis L. Barziza,	April 9, 1846,	Franklin, Robertson co.
"	James A. Poage,	May 5, 1846,	Bastrop, Colorado co.
"	A. H. Evans,	Nov. 9, 1846,	San Augustine.
"	William R. Baker,	Dec. 18, 1843,	Houston.
"	George Fisher,	June 30, 1849,	"
"	John H. Browne,	Sept. 12, 1851,	Indianola.
"	A. T. Howell,	Jan. 28, 1853,	Clarksville, Red River co.
"	William Byrd,	Feb. 7, 1853,	Travis co.
Wisconsin,	William Horner,	May 27, 1850,	Lancaster, Grant co.
"	John C. Starkweather,	Sept. 13, 1850,	Milwaukie.

## COMMISSIONERS IN THE DISTRICT OF COLUMBIA.

Name of Commissioner.	Date of Appointment.	Residence.
John A. Linton, . . .	Feb. 18, 1846,	Washington City.
Charles De Selding, . . .	Sept. 2, 1847,	"
J. F. Callan, . . .	Feb. 29, 1848,	"
Samuel L. Lewis, . . .	Mar. 16, 1850,	"
Nicholas Callan, . . .	Jan. 31, 1853,	"
James B. Wilson, . . .	Mar. 29, 1849,	Georgetown.
Henry Reaver, . . .	July 19, 1850.	"



[DOC. No. LXX.]

REPORT

OF

THE SELECT COMMITTEE

TO INVESTIGATE THE AFFAIRS OF THE

JAMES RIVER & KANAWHA COMPANY.

1852-3.



## REPORT.

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The select committee appointed by the house of delegates to investigate the administration and affairs of the James river and Kanawha company, and to which a communication made by John Y. Mason, Esq., president of the said company, to the house, was referred, have had the same under consideration, and report:

That under the charter granted by the general assembly in 1832, the company was organized and proceeded in the construction of its works; that in 1842, the canal being then completed to Lynchburg and some progress made above, the legislature, by an act of that session, suspended its further operations, and thus the affairs of the company continued until 1847, when, by the act of March 1st, 1847, a loan of \$1,236,000 was made to extend the canal to Buchanan; and by acts passed at the same session, authority was given to borrow five hundred thousand dollars to make connections of the Rivanna river and the canal at Columbia with the Southside at four points, and with the Tidewater at Richmond.

In the interval between 1842 and 1847, investigations were made into the company's affairs by joint committees of the senate and house of delegates, and elaborate reports submitted to the two bodies.

Your committee in their investigation have not gone behind the date of these acts of the legislature: they have carefully examined the annual reports and communications of the company since that period, especially in reference to the subject matter of the communication of the president referred to the committee. At each annual general meeting of the stockholders, which by law cannot be held without the presence of the state proxies, the president has submitted his reports, giving full and detailed information of the condition of the affairs of the company, the state and progress of its works, and the receipts and disbursements of the revenue and money of the company. Every application to the legislature has been considered and determined on by the stockholders, and prepared and presented by the president and directors to the legislature. The reports and accompanying papers have been in every instance communicated to the Board of public works and to the legislature, and, as official documents, printed and published, and form a part of the archives of the state. After a careful examination of these several papers, the committee *unanimously* declare that the utmost frankness and candor have been observed by the president and directors of the company in their communications to the legislature, and there is nothing to justify a suspicion that there has been concealment or suppression, either as to the state of the company's affairs, or the uses for which funds asked for were intended. The amount has been fairly and clearly stated, the money applied to the purposes of the company, and these purposes and its application regularly stated and properly vouched on settlements carefully and minutely made by order of the stock-

holders. There is no ground whatever to impeach the integrity of conduct or frankness and candor of the president of the company, in the complex, engrossing and difficult duties which have devolved on him.

Your committee have confined their examination to the general administration of the affairs of the company: as no charge has been made before them, they have not undertaken the investigation of any specific matter of detail. It would have involved a great consumption of time and much delay, and such subjects more properly belong to the stockholders or board of directors. The large and increasing number of incorporated companies in which the state is interested, show clearly the impolicy, unless in urgent cases, of the legislature entering into such examinations, and indicate very clearly the propriety of increasing the power of the state in the joint stock and internal improvement companies in which she is interested, so that such investigations may receive fully the public confidence, and the interests of the state, in the judgment of all, be amply protected. Such a policy is peculiarly demanded in the administration of the affairs of the James river and Kanawha company, so heavily *indebted* to the state and so entirely dependent upon public favor.

The general system adopted by the company for repairs of the canal and its system of police seem to be judicious in guarding against breaches or injuries, and in promptly and efficiently repairing them when they occur.

The moneys of the company are deposited in the Bank of Virginia, and do not pass through the hands of any officer of the company except the toll-collector, and cannot be checked out but by the check of the secretary, countersigned by the president, and the payment by check must be sustained by a voucher which has been authorized by the board of directors. On the books of the company separate accounts are kept of the expenditures in each specific subdivision of the company's improvement. The committee perceive no necessity for any law or the expression of any opinion by the house of delegates in regard to these matters.

The committee ascertained from the reports of the president and the financial statements which accompanied them, that it had been the practice of the company to use for one purpose money intended for and appropriated by law to another, and to refund it as circumstances permitted; and it appeared, at the date of the last financial statement, that the company was heavily indebted to one of its subdivisions of improvement for money thus transferred.

It also appeared that the funds arising from tolls and other revenues were recently applied by the company to purposes of construction, contrary to the tenor of the mortgages upon its works, leaving unpaid the interest upon the bonds on which the state is bound as principal or security. By the correspondence which is herewith submitted, it will be seen that the president of the company was requested to submit such explanations as he might think proper on the management and condition of its affairs to the committee, and that his attention was particularly drawn to these two subjects. He did so orally with frankness and mach ability, and subsequently, at the request of his board, addressed to the committee a written exposition of his views, which is herewith submitted.

1. The acts of the legislature loaning funds to the company or guaranteeing its bonds, have *specified* the portions of the works to be constructed or the objects of expenditure. It appears that on converting the bonds into money, the pro-



ceeds have been deposited in bank to the credit of the company, and checked out without reference to the specific object for which they were intended by the company and appropriated by the law, and the application made on the books of the company.

The reports of the company annually communicated to the legislature, show that this power has been exerted in every year since 1839—the reasons for it are stated with frankness and argued with much ability in the written communication of the president, already referred to—a brief synopsis of which may be proper in justice to the company. He contends that the acts authorizing the loans of state bonds or the guarantee of the company's bonds, which were necessarily converted into money, did not constitute a trust which would protect the proceeds from the claims of creditors of the company not founded on the specific work for which the loan was made—that as the company was bound by law to deposit its funds in the Bank of Virginia, a creditor's proceeding attaching the funds of the company in the hands of the bank could not be resisted; that the facts relating to each instance of borrowing from one fund to another were made known, and were never objected to by the legislature or by either of its joint committees of investigation or by the stockholders; that “the present officers of the company” had a right to presume that this course of management had the approval of the legislature; that the deficiencies of means for any given work to which loans were made were unforeseen, and the funds transferred bona fide applied to complete the line of the company's improvement *continuously*, which was the declared policy of the company affirmed by the legislature; that by applying funds intended for the third division to complete the second division of the canal, they acted in strict conformity with this policy; that it was judicious and promotive of the best interests of both the company and the state, because at the time the largest transfers were made, nearly two millions of dollars had been expended on the second division, without completing it so as to be used, and for this sum the company was bound to pay interest and the state was bound as its surety; and finally, that the application for means for the third division was predicated on the advantages of going on with that work in continuation of the second division when completed, and if this were not completed, besides the ruinous loss on account of interest, without receiving any revenue, the small section of the third division which the appropriation was adequate to construct was utterly useless; and that in the course taken, the president and directors carried out the main and controlling intent of the legislature.

While the committee acknowledge the force of the views thus succinctly expressed, and regard the pursuance of what had become the settled policy of the company as resulting as much from the fault of the legislature in its unbroken silence year after year, when the acts of the company were known, as of the company itself, yet they insist that the terms of the law ought to be strictly and rigidly observed by a company obtaining a loan from the state; and if the law bears harshly upon its interests, the proper remedy is an application to the legislature for relief. The representative might vote for an appropriation to the Tidewater connection of the James river and Kanawha company, who would be unwilling to vote money to its 3d division of improvement, and vice versa. If the company can transfer funds from one division to another, it elects, and not the legislature, the specific improvement to which an appropriation should be applied.

The committee think it just to the company to say, that the policy complained of appears to have been adhered to from the presumed acquiescence for many years of the legislature, and that a disposition has been manifested to conform to what shall be its present will: they therefore recommend the adoption of a resolution disapproving the policy heretofore pursued, and, if necessary, the passage of a bill forbidding such transfers in the future, and protecting loaned funds from the claims of any creditors of the company, unless they arise from the prosecution of the work to which the loan is specifically appropriated.

2. By the terms of the mortgages given by the canal company to the state as security for loans made, the property and surplus tolls received by the company are pledged for the payment of the interest and annuity debt, for which the state is bound. This surplus is what may remain in each year, "after defraying therefrom the necessary charges for the repair, support and management of their canal and other works, and for the administration of the company." It appears that for six years, commencing with the year ending the 31st of October 1847 and ending the 30th September 1852, the interest of the company was duly paid; that during that period of six years, the aggregate sum of \$1,108,802 36 was thus paid. The paper marked C, accompanying this report, will show the amount during that time paid for interest and the annual increase of the charge of interest resulting from the increased amount of debt as the work progressed; and will also show the amounts paid for repairs of canal, general administration, agents, including lock-keepers and others, making in the aggregate the sum of \$1,610,570 65.

The general income of the company met these heavy charges until the 1st of July 1851, when \$48,628 48 of money, intended for the Tidewater connection, was applied to the payment of interest then due.

At the next general meeting in November 1851, the president, anticipating a further deficiency in the next year, communicated the fact to the stockholders, and recommended an application to the legislature for a loan of \$300,000 of state bonds, to supply deficiencies of funds for construction and of income to pay interest; or that it should pay the semi-annual interest of the company's bond debts until the 1st of July 1853. The legislature loaned \$120,000 to pay interest, by the act of June 5th, 1852; and the income pledged for the payment of interest being thus relieved, the president and directors acted on the belief, apparently authorized, as will be more fully seen by reference to the annual report to the stockholders in October 1852, that the further sum of one hundred and eighty thousand dollars would be loaned by the state in time to meet the interest due on the 1st of January 1853. The committee of finance had reported a bill loaning the sum of \$300,000, the amount asked for by the company, which was only reduced to the sum of \$120,000, because the legislature had determined to adjourn to a day anterior to the 1st of January 1853, and because the results of the new tax bill were involved in doubt. Acting under the impression that they would have aid from the state, the president and directors applied the income of the company to the discharge of claims for works of construction. It does not appear that on any other occasion, in the period to which the committee have confined their attention, this has been done; but they cannot approve of it, and they regret alike the policy that asked and the policy that granted the loan for the purposes avowed. It would have been better to have made an appropriation at

once to supply deficiencies of construction, and to have liquidated so much of the interest as the company was really unable to pay. While the committee entertain this opinion, they believe that the president and directors of the company and the legislature acted alike for what they deemed the best interests of the company and the state; but it is desirable that the income pledged for the indemnity of the state shall be so applied, and that there shall be a clear and explicit understanding on this subject for the future.

The committee do not doubt that the company will readily conform to the will of the legislature on this subject. In fact, without its sanction, such a diversion of its funds would furnish both a legal and moral justification for the foreclosure of the mortgages upon its works. Nor do the committee doubt the future ability of the company to pay the interest upon its present debt. The fact, that under the most adverse circumstances, with the income from its canal to Lynchburg and its western improvements, it has been able to meet such heavy charges, affords strong evidence confirmatory of this opinion; and now that its works are greatly extended and completed for 200 miles, with comparatively small exceptions, and they approaching completion, it is obvious that its revenues are increasing, its business enlarging, and its usefulness as a great state work becoming more rapidly demonstrated. Its feeders, and more particularly the Virginia and Tennessee railroad, now rapidly progressing, must greatly augment its revenues.

In 1842 the revenue of the company from tolls alone was	-	\$99,513 90
In 1852   "       "       "       "       "	-	269,210 81

Making in ten years an increase of 170 per cent.

The returns already received indicate that the receipts of the present fiscal year will largely exceed the last. The revival of the iron trade and the increased business from the Virginia and Tennessee railroad alone, will, in the opinion of the committee, after the 1st day of July next, enable the company to redeem its engagements to the state, and it is not their province to speculate further.

The large debt of the company which has accrued from borrowing money for construction without an increase of the capital stock—on all of which debt interest has been chargeable and paid, and for which the state is responsible—has, in the opinion of the committee, materially affected the condition of the state as a stockholder, and ought to increase its relative influence in the management and control of the company. They recommend that the James river and Kanawha company shall be brought under the provisions of the Code of Virginia regulating internal improvement and joint stock companies, so as to give the state at the board of directors a representation in proportion to her stock, and to leave the regulation of her vote and that of the private stockholders as prescribed by the Code, subject to such modifications as the legislature may by general law at any time direct.

The committee have been content, with the simple presentation of a resolution expressive of its opinions, to leave all questions concerning the number of the officers, engineers and employees of the company, the extent of their services and the amount of their salaries, to those more immediately interested in its management, and have therefore instituted no extended enquiries upon these subjects. It is sound policy to leave the protection of the state's interest where it properly belongs and can be more intelligently afforded—to the representatives of the state at the board (when she shall have any) and to her proxies in the general meetings

of the stockholders—convinced that a Board of public works elected by and directly responsible to the people will appoint none but those who will advocate and enforce the most rigid economy.

The committee recommend the adoption of the following resolutions :

1. Resolved, that the house of delegates disapprove of the policy, heretofore pursued by the James river and Kanawha company, in diverting funds to one of its heads of improvement appropriated by law to another.

2. Resolved, that the revenues of the said company—"after defraying therefrom the necessary charges for the repair, support and management of their canal and other works, and for the administration of the company"—should, in conformity with the terms of the mortgages to secure the commonwealth, be rigidly applied to the payment of the interest and annuity debt for which the state is bound.

And the committee recommend the adoption of the following joint resolutions :

1. Resolved by the general assembly, that no person shall be appointed a director or proxy of the state in the James river and Kanawha company who is interested in any lateral improvement connected therewith or shall be a contractor upon any part of its works.

2. Resolved, that the directors and proxies of the state shall be instructed to enquire into the list of the officers, engineers and employees of said company, with a view, if practicable, to a reduction of their number, and to a decrease, if demanded by sound economy, of their salaries, and that the said representatives of the interests of the state insist upon the individual services of the principal officers and chief engineer of said company.

## APPENDIX.

RICHMOND, Dec. 23d, 1852.

SIR,

My attention has been called to a report of the proceedings of the house of delegates of the 22d instant, as published in one of the city papers of this morning, in which I find the following: "He (Mr. Lewis) charged the James river and Kanawha company with having obtained money from the legislature under false pretenses, and said they would be convicted of the charge if tried by any jury of twelve men of the country." Reluctant as I am to obtrude myself on the notice of the house, I have too much respect for its members to permit so grave a charge to pass without some effort to withdraw myself and the James river and Kanawha company from the just condemnation, if the imputation be deserved.

The applications made to the legislature in behalf of that company, have been presented by order of the stockholders. Since my connection with the company every petition presented has been prepared by me, or under my immediate supervision, and I hold myself responsible for the truthfulness, sincerity and candor of every statement contained in them, and, therefore, must bear my full share of any moral delinquency involved. Thus situated, my duty to myself and to the company leaves me, in my judgment, no alternative but to ask at the hands of the house of delegates that proper measures be adopted, by which the affairs of the company generally may be investigated, and especially that an opportunity may be afforded of vindication against the charge, which, if not founded in error, would justly subject those who may be implicated, to the condemnation of all honorable men.

I have the honor to be,

Very respectfully, your ob't servant,

J. Y. MASON,

*Pres't Jas. River and Kanawha Co.**To the Speaker of the House of Delegates.*

Resolved, that a select committee of five be appointed to investigate the administration and affairs of the James river and Kanawha company, to whom the communication of J. Y. Mason, Esq., president of the said company, shall be referred, and that said committee have power to send for persons and papers.

## OFFICE OF JAMES RIVER AND KANAWHA CO.

Richmond, December 30th, 1852.

SIR,

The executive committee, in the absence of the board of directors of the James river and Kanawha company, have instructed me to communicate to the committee of the house of delegates, appointed under the resolution of the 23d instant, the accompanying copy of resolutions adopted on the subject of your enquiries.

I beg to add the assurance, that it will afford me, and all the officers of the company, much pleasure to furnish every facility in our power to you, and to each member of the committee, in the discharge of the duties devolved on you.

Very respectfully,

Your obedient servant,

J. Y. MASON,

*Pres't Jas. River and Kanawha Co.*

THOMAS WALLACE, ESQ.

*Chairman Committee House Delegates.*


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At a meeting of the executive committee of the James river and Kanawha company, held on Wednesday, December 29th, 1852:

The president laid before the committee the following letter, addressed by him to the speaker of the house of delegates, which was read and approved:

RICHMOND, Dec. 23d, 1852.

SIR,

My attention has been called to a report of the proceedings of the house of delegates of the 22d instant, as published in the city papers of this morning, in which I find the following: "He (Mr. Lewis) charged the James river and Kanawha company with having obtained money from the legislature under false pretenses, and said that they could be convicted of the charge if tried by any jury of twelve men of the country." Reluctant as I am to obtrude myself on the house, I have too much respect for its members to permit so grave a charge to pass without some effort to withdraw myself and the James river and Kanawha company from the unjust condemnation, if the imputation be undeserved. The applications made to the legislature, in behalf of that company, have been presented by order of the stockholders. Since my connection with the company, every petition presented has been prepared by me or under my supervision, and I hold myself responsible for the truthfulness, sincerity and candor of every statement contained in them, and must therefore bear my full share of any moral delinquency involved. Thus situated, my duty to myself and to the company leaves me, in my judgment, no alternative but to ask at the hands of the house of delegates that proper measures be adopted by which the affairs of the company generally may be investigated, and especially that an opportunity may be offered of vindication against the charge, which, if not founded in error, would justly subject those who may be implicated, to the condemnation of all honorable men.

I have the honor to be,

Very respectfully, your ob't servant,

J. Y. MASON.

*To the Speaker of the House of Delegates.*

The president also stated that a committee had been appointed under the following resolution of the House of delegates of the 23d instant:

"Resolved, that a select committee of five be appointed to investigate the administration and affairs of the James river and Kanawha company, to which the communication of J. F. Mason, Esq., president of the said company, shall be referred, and that said committee have power to send for persons and papers."

On consideration, the following orders were adopted:

Resolved, that the secretary of this company be instructed to submit to the free and full inspection of the house committee, the books, records and papers in his office, whenever required so to do by the committee, and that he and the other officers of the company submit promptly all such explanations as the committee may desire.

Resolved, that with a view to more convenient reference to the same, the use of the directors' room, in the company's office, be placed at the disposal of the committee of the house of delegates; for their use during their sittings.

Resolved, that the president communicate the foregoing proceedings to the committee.

Extract from the records.

WM. P. MUNFORD, *Secretary.*



HOUSE OF DELEGATES, Jan. 6, 1853.

Hon. J. Y. MASON,

*Pres't James River and Ka. Co.*

Sir,

I am instructed by the committee of investigation into the affairs and management of the company over which you preside, to communicate to you the accompanying resolution, and to inform you that a meeting of the committee will be held at the office of the company this afternoon at 4 o'clock; at which time and place they will be pleased to hear from you such views and explanations in regard to the general management and affairs of the company as you may think proper to bring before them. The committee wish particularly to call your attention, first, to the practice which has prevailed of diverting funds from one of the company's heads of appropriation to another; and, second, to the policy of using the revenues of the company for the purposes of construction instead of applying them to meet the interest due upon its debt.

I am, sir, very respectfully, yours,

THO. WALLACE,

*Ch'm of Committee.*

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"Resolved, that a select committee of five be appointed to investigate the administration and affairs of the James river and Kanawha company, to whom the communication of J. Y. Mason, Esq., president of the said company, shall be referred, and that said committee have power to send for persons and papers."

OFFICE JAMES RIVER AND KANAWHA CO.  
January 6, 1853.

SIR,

I have received your communication of this day's date, with its enclosure. I will be happy to meet the committee at the office of the company at the hour indicated, and will take great pleasure in communicating the information and explanation suggested. I have forbore to advert to any denunciation founded on my official acts or written communications made since the committee was appointed, because I have entire confidence that they will fully investigate the matters involved, and that full justice will be done.

I have the honor to be,

With the highest respect,

Your ob't servant,

J. Y. MASON.

THOS. WALLACE, Esq.

*Ch'm Select Committee.*

OFFICE OF THE JAMES RIVER AND KANAWHA CO.  
 Richmond, January 17, 1853.

SIR,

I reported to the board of directors the letter which you addressed to me on the 6th instant, and informed them that I had complied with the request of the select committee by an oral explanation of the condition of the company's affairs, its manner of transacting its business, and especially on the subject of the two specific enquiries suggested in your letter.

At the request of the board, I have the honor to submit this communication in writing on the subject of which it treats, as presenting their views in a form less liable to misapprehension than a verbal statement, in which many facts and accounts had to be referred to.

I respectfully request that you will be pleased to present it to the committee, and ask that it be filed with their proceedings.

In your communication of the 6th of January, you suggest, for especial explanation, two points of enquiry connected with the disbursements of money by the company, and to those this communication is mainly directed. I repeat in the most emphatic manner the assurance that the officers of the company are ready to meet and to aid in the strictest scrutiny and most searching investigation of the affairs of the company, and content myself with the verbal explanations already given as to any supposed discrepancies in the arithmetical statements which have been submitted and published in the president's reports.

First, as to the practice of diverting funds from one head of appropriation to another.

In pursuing steadily, as the company has always done, the scheme of improvement contemplated by its charter, it has frequently been obliged to apply to the legislature for pecuniary aid, partly because the capital originally put in was utterly inadequate to the great end to be accomplished, and sometimes because funds intended for the construction of particular parts of the work and originally supposed to be sufficient for the purpose, have been ascertained by the result to be insufficient.

The legislature has from the date of the charter until the present time, manifested, not only by the charter itself, but by numerous acts and declarations since, the determined purpose to connect by this improvement the Tidewater with the waters of the Ohio, and to have at least so much of the improvement as lies between Tidewater and Covington executed at all events, including the canal from Richmond to Lynchburg, thence to Buchanan, and thence to Covington, the Southside and Rivanna connections, and the connection between the Basin and Tidewater; and the company was expressly charged with the duty of constructing the necessary works. They are all integral parts of the same improvement, and each is known to be essential to the complete success of the whole.\*

At the first meeting of the stockholders under the charter, it was resolved, that the work should proceed *continuously*, and not in detached parts along the line, beginning at Richmond, the head of Tide at the East, and going up the river westwardly: provided only, that while one part was still unfinished, preparations might be made for going on with another adjoining part, so that the work might progress without interruption, and each part as finished be capable of use in connection with the company's other finished works;† and that resolution has received the sanction of the legislature.

The legislature has since, from time to time, in prosecution of this fixed policy, aided the company by its loans and by the credit of the state, first to finish the canal to Lynchburg, then to construct the second division to Buchanan, then to make the Southside and Rivanna and Tidewater connections; and lastly, to commence the third division, by extending the

\* See the charter. sections 22, 23, 24, 25, vol. 1 Company's Proceedings, pages 753-4, and especially the act of March 15th, 1850.

† See vol. 1, p. 9, 10, 13.

company's water line to Covington, thus connecting the company's Eastern improvements with the Kanawha turnpike road, which the state had constructed and transferred to the company as a part of the state's stock subscription.

In every application which the company has made to the state for aid, it has freely disclosed to the legislature the existing state of its affairs, and in good faith stated the purpose for which the aid was asked. Besides this, at the annual meeting of the stockholders, full reports and detailed statements of its condition, showing precisely the manner in which its work has progressed, its revenues and the uses to which its money has been applied, have been made, published and laid before the stockholders, the Board of public works and the legislature; and thus possessed of full information, the legislature has granted the relief, and generally stated the particular purpose for which its money or credit was loaned to the company. But although when the aid was asked and granted, both parties, the company and the legislature, intended its application to specified objects, the money arising from state bonds loaned or from the company's bonds guaranteed by the state, became, when the bonds were sold, the property of the company, was necessarily mingled with its other funds, and became liable, under the laws of the state, in the opinion of the board, to make good all its engagements and contracts, no matter on what part of the work.

The company considered itself bound however, in good faith, not only to endeavor to execute the great general purpose of the work with all possible diligence and economy, but also as far as practicable to devote each particular fund, which was furnished by aid of the state, to the particular object which was intended to be accomplished by means of that fund. Accordingly, though keeping but one account at the bank where all its money was required to be deposited, the company has kept on its books separate accounts for each distinct part of their improvement, so as to show the aggregate of money expended upon it. But as since the year 1849, under direction of law, several distinct parts of the improvement have been under construction at the same time, it was frequently convenient, and in fact unavoidable, without leaving considerable sums to lie idle in bank, on which interest was daily accruing to the holders of bonds by sale of which the money was raised, and without suspending works, whose continuous progress and final completion was as much desired by the state as by the company, and equally important to both, to use temporarily for one purpose funds especially destined for another. Great losses to the company would have been sustained by its failure to comply with its contracts upon any section of the work, the contracts would have been violated by the company, law-suits commenced, the value of past outlays destroyed, and probably at last, the very funds subjected by process of law to the payment of such claims which the company may have refused so to apply from deference to the supposed wish of the legislature that they should be applied to some other object.

These temporary loans from one fund to another have been always repaid to the creditor fund as soon as opportunity allowed, as an examination of the published accounts will show. Thus, for example, of the sum of \$157,148 14 borrowed from the fund applicable to the Tidewater connection on or before the 30th September 1851, as shown by the accounts annexed to the 17th annual report, there remained due to that fund on the 30th September 1852, as shown by the accounts annexed to the 18th annual report, \$60,827 84, and on the 1st day of January instant, there was due \$43,956 04.

The amounts so borrowed from the Tidewater connection fund, were used in aid of the completion of the Southside and Rivanna connections, the speedy completion of which was of vast importance to the revenues of the company, while the work on the Tidewater connection, from physical obstacles and obvious policy, was progressing slowly; and it will be observed that these several works of connection were directed to be made by contemporaneous acts of the legislature, and were of kindred character.

The president and directors adopted this mode of applying the funds of the company, after due deliberation, under a conviction that they did not exceed their authority, and that

the best interests of the company and of the state, as creditor, surety and stockholder, required it. Without assuming any of the prerogatives of the legislature, they found that in every year since 1839 the power has been exerted by the company, and that the facts of such transfers had been *annually* stated, showing all the particulars, in the published official reports and accompanying statements, and communicated, in the only mode prescribed by law, to the stockholders, to the Board of public works and to the legislature. For convenient reference, a statement is herewith annexed, marked A, taken from these published statements, showing the instances in which the power has been exerted.

No exception is known to have been taken to this mode of managing and applying the funds of the company. On the contrary, the several acts of the legislature which gave aid to the company were passed, it must be presumed, with a full knowledge of what was so clearly stated, and no objection made. Two joint committees of the senate and house of delegates—one in 1843 and the other in 1845—examined the affairs of the company, and no objection was suggested to this course of procedure.

It is true that the legislature has indicated that the proceeds of the loans or guarantee authorized were to be applied to specific objects, as in the act of 1850 guaranteeing the company's bonds, to enable it to extend its water line to Covington; but the circumstances under which these acts were severally passed, and the condition of the company in relation to the state, did not, in the opinion of the president and directors, forbid the course taken.

The company, under its charter, was capable of contracting, and in all respects subject, in its government, to the provisions of the charter. The state was a large stockholder, had granted the charter, and by its proxies, always present in the general meetings, exercised a great if not controlling influence. The utmost legal effect which could be given to an act of the legislature making a loan and prescribing conditions is that the company, in accepting the loan, agreed to the conditions. And then the question is, it is respectfully submitted, If a departure from the prescribed mode of application be made by the company, was it consonant with the general interest of the state, judicious as a measure of policy, and promotive of the best interests of the company and of the state, as a stockholder, surety and creditor? If so, then it is believed that the proceeding will receive commendation instead of censure. And the party who finds it necessary to make departure from the terms of the agreement, and makes known such departure to the other party to the agreement, as it occurs, without complaint, is fully justified in the conclusion that the course is approved.

I beg the indulgence of the committee in adverting to some facts which will illustrate the principle and policy on which the board of directors have acted:

The works of the company were suspended in 1842. The capital stock was exhausted, and a considerable debt was contracted; the improvement was finished to Lynchburg, and some progress was made in the construction of works, then unfinished, beyond that point. From the date of the suspension to the year 1847 the legislature provided, in six different instances, for the payment of interest on the company's debt for which the state was bound.

By the act of March 1st, 1847, the legislature loaned to the company \$1236,000 to construct its improvement from Lynchburg to Buchanan, and at the same session authorized, by acts, the company to borrow five hundred thousand dollars to make the several connections. This last sum the legislature, by acts passed in 1849, agreed to guarantee.

Now, whatever causes of dissatisfaction had previously existed, the president and directors have regarded it as an authorized conclusion that, by these deliberate acts giving such large pecuniary aid to the company, nothing then past in the history or acts of the company was ever to be regarded in the future as a ground of complaint, or as a reason with the legislature for changing its organization, impairing its rights, or censuring its officers. The practice of transfer from one head of appropriation to another had been frequent, was known, must have been known, to the legislature, and had never been complained of, so far as is shown by the records of the company or the state.

By the act of January 15th, 1850, a loan was made of \$110,000, which was believed to be sufficient to complete the second division, or the canal to Buchanan, and the application

for aid in carrying on its improvement to the Ohio, recommended in the 15th annual report of November 1849, resulted in the passage of the act of March 15th, 1850, which authorized the state's guarantee to the company's bonds for three hundred and sixty thousand dollars to enable the company to extend its water line from Buchanan to Covington. To show the reasons for this application, I annex extracts from the report of the president and chief engineer, marked B. which present the reasons of the stockholders in making the application, and which, being before the legislature when the act was considered and passed, appeared to the board conclusive to show the interest of the legislature, as it was that of the company, to maintain and carry out the policy long established, of carrying on the work *continuously*, so that each division should be completed and contribute to the business and profit of connected works.

The 3d section of the act of January 20th, 1850, amending the charter of the Louisa railroad company, made it necessary that the James river and Kanawha company should locate its line of improvement in the valley of Jackson's river to Covington. This was done, but delayed the issue of the bonds to be guaranteed by the state until the 9th of August 1851.

For reasons which were fully stated, the proceeds of the bonds loaned for the 2d division proved inadequate. The causes were unforeseen and unavoidable; and as they occurred, they were communicated in the published official communications of the company. When these funds, amounting to \$1,346,000, appropriated for the 2d division, were exhausted, the work unfinished and incapable of use or of income, contracts for labor and materials in course of execution, but unfinished, with an annual charge of six per centum interest on the entire outlay, for which the state was bound, and with an undoubted legal liability for damages to the contractors for failure on the part of the company to comply with its contracts, the president and directors felt it to be their imperious duty to go on with the works on the 2d division, and not abandon them at such ruinous consequences.

To meet the charge of completion from time to time, money intended to extend the water line on the 3d division was applied to complete the second. Each instance of such appropriation was fully stated in the annual communications of the president and officers of the company with the stockholders, and sent to the Board of public works and the legislature.

In this the company exercised a power which had been often exerted and never questioned. They considered that they were faithfully carrying out the main intent of the legislature and the declared approved and judicious policy of the company to complete the canal to Buchanan, and thereby make it productive of revenue as a means of paying interest, and thus promoted the best interests of the state and of the company. Because it is obvious, that if they had complied literally with the provisions of the act of 1850, regardless of the great leading object of its enactment, by expending the sum of \$360,000 exclusively on the 3d division, it would have made but a short section, not exceeding ten miles of canal, unconnected either east or west with a navigable canal, and which could not in that detached condition have produced any revenue or subserved any public purpose, and thus situated, I apprehend, would have been regarded as a monument of folly, leading to just reproach on the board of directors. The interest on the whole amount was constantly accumulating, and no corresponding or compensating revenue was possible in the unfinished condition of the 2d division. The board of directors therefore submit, that no censure can attach either to them or to the stockholders for breach of law or violation of faith on the part of the company as a contracting party with the state.

In corroboration of the views here presented, the committee is respectfully referred to a resolution adopted by the house of delegates on the 1st of February 1851, calling on the president of the company for information as to the causes of delay in the completion of the 2d division, and to the report of the president made in reply,\* as affording strong evi-

\* See 16th Annual Report, p. 105.

dence of the urgent desire of the legislature that this work should be completed and made productive of revenue, and available for the use of the public. This resolution, too, was followed by raising a committee by the house of delegates to investigate the affairs of the company, and resulted in no suggestion of a complaint of the acts of transfer, and in no censure of the company or its officers.

In all that they have done in these matters, the board believe that they have acted in strict conformity with the known and declared policy of the state and of the company, and most obviously to the advantage of both. They have invariably published, for the information of those interested, what they were doing; and if regarded merely as an agent, and not as a party to an agreement, the silence of their principal was a ratification of any departure from instructions, however specific; and can it be contended that the state occupied a more controlling position than as principal, with power to instruct and direct the company as its agent? If there be cause of blame, it must be, not that the funds have not been applied in the order and to the purposes for which the state itself, acting by an intelligent and disinterested agent, would have applied them, but that there has been want of economy or activity in their management; and to that question, as indeed to all others affecting the administration and welfare of the company, they invite the closest scrutiny of the investigating committee.

The actual losses sustained by the contractors, with scarcely an exception, are strong evidence on this enquiry; and the reports made by Joseph Jackson, Esq., and by the committee of stockholders, whose intelligence and high character are unquestionable, are conclusive to show the actual application of the money to the objects stated in the accounts, and that the payments are sustained by proper vouchers. The disbursements were made on works authorized by the state, and were intended, and did in fact, increase the value of the property mortgaged to the state.

Secondly. As to the policy of using the annual income of the company from its works in use for purposes of construction, instead of applying it to meet the interest upon its debts.

This has not been the policy or practice of the company. During the past fiscal year it has been done, and the circumstances under which it was done seem to us to leave no doubt that it was judicious, and had the approval of the state as the mortgage creditor of the company.

At the annual meeting of the stockholders, held in November 1851, the president, in his annual report, informed them that the net income of the company had fallen short of meeting the interest which fell due on the 1st day of July preceeding, by the sum of \$48,628 48 cents, and that a further deficit, in meeting the interest for the current fiscal year, of fifty thousand dollars, was anticipated. The aggregate was ninety-eight thousand six hundred and twenty-eight dollars and forty-eight cents. That besides these deficiencies in meeting its interest, there would be deficiencies, in meeting the cost of construction of the 2d division and the connections, of not less than two hundred and fifty thousand dollars; and the report recommended an application to the legislature for a loan of three hundred thousand dollars, which would enable the company to meet the semi-annual interest and defray the cost of construction. The causes of the deficiency in paying the interest obviously resulted from the increasing amount of interest on the money borrowed to construct these works, which became greater by the sale of each bond, and was greatest at the moment of putting the improvements into use. The causes of the increased cost of the construction of the works were also fully explained. The joint committee of finance reported a bill making provision for adequate relief, but in its course through the house of delegates the bill was amended so as to reduce the appropriation or sum loaned to one hundred and twenty thousand dollars, to be applied to the payment of interest, which would fall due on the 1st day of July 1852; and in that form it passed on the 5th day of June 1852. So well assured did the president feel that adequate provision would be made prior to the 1st day of January instant, that in his annual report made in October last he

estimated the expected loan of one hundred and eighty thousand dollars as a part of the company's receipts during the present fiscal year.

The board of directors finding that its mortgage creditor had thus provided for the interest—to meet which its surplus income was pledged by its mortgages to the state, a relief given on a petition which had represented its wants on the score of interest as less than the amount loaned, but urgent on account of deficiencies to pay the costs of construction by a larger amount, which it was confidently believed from circumstances attending the passage of the bill would be supplied—did not hesitate to use the income, no longer required for interest, to pay liabilities for construction, which greatly enhanced the actual and productive value of the property encumbered to the state as its security. The committee is referred to the 18th annual report, with its accompanying documents, and to the company's petition to the legislature, to which the act of the 5th of June 1850 responded; and attention is respectfully but earnestly invoked to the fact that these documents, which were before the legislature when the company's petition was under consideration, showed that, although the income of the company arising from its tolls had fallen short of paying the interest due on the 1st of July 1851, it had been in fact paid to the bondholders and to the state, by borrowing the amount from the fund for the Tidewater connection; and one object of the petition was to enable the company to refund it. Now, as the company had no income but from its productive works, whose net profits were pledged by the mortgages to pay the interest, the board regarded the act of the 5th of June, giving the means to pay interest, as a relief of the hypothecated fund, no longer wanted for that purpose; and that this pledged fund was, with the assent of the mortgage creditor, to be applied to the completion of the works and give increased value to the mortgaged subject; and as there was no objection made to the fact of borrowing from the Tidewater connection fund to pay interest, they concluded that it might be regarded fairly as a legislative sanction, strongly sustaining their views on the first point of enquiry. They could not suppose that the legislature intended that the unfinished works should be arrested in their unproductive condition, or that the company, and through it the state, should be deprived of the additional revenue which their completion would insure. Nor could they suppose the state intended that the surplus income arising from tolls, applicable under their agreements with the state to the payment of interest, were to lie idle in bank and withheld from the charges on the company for completing its works when the object of the application to the legislature representing the creditor was to obtain the means for that purpose, and the state furnished those means to meet the primary charge on the income of the company—a charge already satisfied by the loan made.

The second grand division of the canal and the Rivanna and Southside connections are now completed so as to be used, with the exception of one bridge at New Canton, and the revenues of the company have begun to feel the beneficent effect of these measures. But there is still one important work upon which much labor and money have been expended, and which is now in such a condition that every consideration of expediency and of economy calls for its speedy completion. We allude to the Tidewater connection. That important work has cost the company already about \$600,000, including the original purchase of the dock, its enlargement and repair, land damages, the chains of locks and basins from the main basin of the canal to the dock, and labor and materials provided for the ship-lock. The annual interest chargeable on this outlay is thirty-six thousand dollars, which is now a dead charge on the revenues of the company; whereas, if completed, the annual profit from its tolls is estimated at not less than fifty thousand dollars. Unfinished, it produces nothing, besides the enormous inconvenience to the business of the canal and of the community, especially to the agricultural and commercial interests, and the great deterioration of the walling and other works, if not speedily finished. The board do not feel justified in abandoning such a work, unless they are relieved from all doubt as to the wishes of the legislature, and to prosecute the work they must apply the income of the company. They have not seen any reason to change the views which they have already stated of the effect



of the acts of the legislature on the subject. On the contrary, they hope and believe, indeed they cannot doubt, that a timely appropriation of the necessary funds will be made by the legislature to complete it, according to the memorial of the company now before the general assembly. And although the board admit that, by virtue of the terms of the loans of the state to the company and the mortgages given to secure them, the state has a right to require the whole net income of the company, if necessary, after providing for the repairs, support and management of their canal and other works, and the administration of the company, to be applied to the payment of the interest due to the state, for which the state is bound as surety for the company, yet the board will feel it to be their duty to continue to act upon their belief as above expressed of the wishes of the state, and cannot abandon the prosecution of the work upon the dock in its present unfinished and exposed condition until plainly instructed that such is the desire and policy of the general assembly. To such wish, when made known, they will defer and conform, whatever may be its effects on the affairs of the company.

In conclusion, I earnestly call the attention of the committee to the following facts:

In 1842 the revenue of the company from its canal from Richmond to Lynchburg was	-	-	-	-	99,513 93
In 1852 the revenue from the canal from Richmond to Buchanan was	-	-	-	-	269,210 81
Increase, nearly 170 per cent.	-	-	-	-	<u>\$169,696 88</u>
In 1847, when the works were resumed, the debt of the company, over and above the capital stock, was	-	-	-	-	<u>\$2,268,645 53</u>
The additional amount of debt contracted since, for which the state is bound, is	-	-	-	-	<u><u>\$2,326,000 00</u></u>

With the means which constitute this last amount of debt the company has added to its works:

1. The canal from Lynchburg to Buchanan.
2. The connection of the Rivanna river with the canal at Columbia.
3. The connections of the south side of James river with the canal at Cartersville, New Canton, Bent Creek and Hardwickville.
4. The works on the third division, on which had been expended to the 1st January inst. \$77,635 36, all of which is lost, if the work be not extended westwardly.
5. Has made extensive and permanent repairs on the dams, locks and other works of the canal between Richmond and Lynchburg.
6. And expended \$9,782 86 on the surveys and geological examination of the summit level, with a view to determine the practicability of passing the Alleghany mountain.

The aggregate expenditure on the four first named works is \$2,288,422 63.

During the same period, that is, from the first of the fiscal year of 1847 to the 30th of September 1852, a period of six years, the company has paid an aggregate of interest, costs of repairs and of administration, the sum of \$1,610,570 65.

The statement marked C, hereto annexed, will give the particulars.

And its revenues have been the resources to meet this heavy charge, except the loan of \$120,000 under the act of the 5th June last, which is included in the aggregate of debt above stated. The revenues of the company are increasing and the expenses diminishing. The increased business and income from the Tidewater connection, when completed, from the other connections, from the Virginia and Tennessee railroad, from the Slate river and North river improvements, and from the revival of the iron interests, ought to leave no doubt that the future prospects of the company, after passing through its present temporary embarrassments, justify us in strongly urging the improvements to the favor of the legislature; and we confidently submit to the candid judgment of the committee, that the results already realized fully sustain the wisdom of the policy acted on by the company.

Deeply impressed with the importance of the work committed to their charge, justly appreciating the responsibilities of the company to the state, and constantly influenced by the most earnest desire to secure to the improvement the favor of the legislature, without whose confidence and approval all their efforts for the consummation of hopes long cherished, and now stronger than ever, must be unavailing, the president and directors feel assured that the committee will perceive that they have had no desire or motive to evade or disregard the laws of the state. Such a course, if intended, would have been characterized by an infatuation as imbecile as impolitic.

I have the honor to be,

Respectfully, your ob't serv't,

J. Y. MASON,  
*President J. R. and K. Co.*

THOMAS WALLACE, Esq., *Chairman of the*  
*Select Committee of the House of Delegates.*

## A.

## STATEMENT

*Of the Transfers of Balances from one Account to another, as exhibited in the Annual Reports of the James River and Kanawha Company.*

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1839, 5th Report, p. 577, revenue applied to new improvements,	-	\$ 43,037 14
1840, 6th " 687, Do. do. -	-	74,647 72
1841, 7th " 53, Do. do. -	-	65,116 67
1842, 8th " 150, def'cy of revenue, deducted from do. -	-	1,074 81
1843, 9th " 430, revenue applied to new improvements,	-	104,731 07
1844, 10th " 522, Do. do. -	-	143,582 05
1845, 11th " 5 of app., Do. do. -	-	218,824 76
1846, 12th " 64, Do. do. -	-	57,868 72
1847, 13th " 30, Do. do. -	-	116,294 59
1848, 14th " 70, rev. applied to const. of works 1st and 2d div. -	-	17,853 76
1849, 15th " 58, Do. tidew. con. and S. S. & R. con. -	-	12,339 06
1850, 16th " 58, deficiency of revenue deducted from new imp'ts, -	-	8,638 37
1851, 17th " 303, Do. 2d div. S. S. & Riv. con. de-	-	
ductured from 3d div. and Tidewater con., -	-	157,148 14
1852, 18th " 481, revenue and appropriations for the 3d division,	-	
and for the Tidewater connection, applied to	-	
the 2d and 4th div. and to the Southside and	-	
Rivanna connections, - - -	-	378,366 41



## B.

*Extract from the 15th Annual Report of the President to the Stockholders.*

"The considerations presented by the chief engineer in favor of going on with the work above Buchanan, as soon as the line is completed to that point, are entitled to great weight. A suspension of the work for even one year would add considerably to the expense of the extension. The laborers and mechanics now on the line, the implements and machinery for heavy work could not be replaced without great delay and considerable expense. Slave labor has been extensively used at good prices, and many of those who were employed as laborers are acquiring useful knowledge in the preparation and use of stone and other materials, and the company as well as the owners will be benefited if they are not withdrawn and their places filled on the resumption with green and inexperienced hands."

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*Extract from the Report of the Chief Engineer to the President and Directors,  
November 20th, 1849.*

## "THE PROGRESS OF THE WORK BEYOND BUCHANAN."

"The next step in the progress of the improvement embraces by common consent the extension to Covington; and as far as I am acquainted with the views of the stockholders and the opinion of the public, there is no difference of opinion as to the plan of this portion of the improvement. All agree that the water line should be carried to Covington.

"The only question therefore to be submitted to your consideration in relation to this part of the line, is whether the time has arrived for an application to the legislature for the means of prosecuting the work?

"Without pretending to enter into the discussion, I will offer a few practical reasons why I think it advisable to continue the work on without interruption:

"*First.* After the completion of the canal to Buchanan, of which there is but little doubt, during the next year, we will have a large number of well trained mechanics, which we have been laboring for three years to collect, who could be immediately transferred to the extended works; but should they be disbanded by a suspension of operations at Buchanan, it will require a like or even a longer period to collect together a force so efficient. The further removal of the line into the interior will increase the difficulty of mustering a new force, and subject us to even greater delay than has been experienced in the prosecution of the work between Lynchburg and Buchanan.

"*Secondly.* The contractors now on the line, many of whom it is presumable would take contracts, are fully equipped with cranes, derricks and tools, which to them would be so much active capital in the commencement of new jobs, and which, together with the profits it is hoped they will realize from their present contracts, would enable them to prosecute their work with vigor and more profit to themselves and satisfaction to the company.

*"And lastly.* The contractors now on the line would be enabled to take the work cheaper by about the difference in the first cost of their tools and machinery, and the amount they would be worth if not employed on the extended work; so that the cost of the equipments of the contractors is in effect so much capital of the company that would be lost by a suspension of the work. Many other reasons might be adduced to show why the work should be pressed forward, but the limit I have prescribed to myself will not admit of their being brought forward here; they will however, readily occur to those acquainted with the long-deferred expectations of the public."

## C.

*Statement of Disbursements on account of Expenses and Repairs of Canal, Salaries of Agents on the Canal, General Administration of the Company and Interest, from the beginning of the fiscal year ending October 31st, 1847, to September 30th, 1852.*

For the year ending	Expenses and repairs of canal.	General Administration.	Salaries of Agents	Interest.	Total.
October 31, 1847,	\$ 54419 82	3311 22	16922 92	145393 03	220047 04
1848,	61977 24	3521 02	17629 88	137800 72	220928 86
1849,	50665 26	5484 59	17940 44	167962 22	242052 51
1850,	63536 47	5355 84	18943 59	184806 29	272642 19
September 30, 1851,	47397 42	5701 03	14656 34	214193 30	281948 09
* 1852,	81084 44	8338 66	24882 11	258646 75	372951 96
					<u>\$ 1610570 65</u>

\* The expenses and repairs of this year embrace the second division for the first time in use and the Maidens' Adventure dam.





[ DOC. No. LXXI.]

COMMUNICATION

RELATIVE TO

MONUMENT IN INDEPENDENCE SQUARE

IN THE

CITY OF PHILADELPHIA.

1852-3.



## COMMUNICATION.

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EXECUTIVE DEPARTMENT,  
March 2, 1853.

*To the General Assembly of Virginia.*

A convention of delegates of nine of the original thirteen states of the confederacy assembled in Philadelphia in July last to consider the propriety of erecting in that city some memorial of the declaration of independence by those states, and of the reverence felt for the truths and the principles declared, and for the men by whom that independence was achieved. I have received from the officers of that convention a copy of its proceedings, containing an address invoking the co-operation and aid of this state in their design.

Although Virginia was not represented in the convention, I doubt not her sympathy will be enlisted in the success of the undertaking. These memorials are not necessary to quicken the spirit that has animated this whole continent, yet they cannot but have their moral influence upon succeeding generations and upon other nations. They serve as mementos of the past and as living incitements to similar achievements in the future.

With the view of simply calling your attention to the subject, I submit to you the adoption of such measures as in your judgment will comport with the interests, the dignity and the honor of the state.

Very respectfully, yours, &c.

JOS. JOHNSON.



[ DOC. No. LXXII.]

CONDITION

OF

THE BANK OF THE VALLEY.

1852-3.



**EXECUTIVE DEPARTMENT,  
MARCH 7, 1853.**

**SIR,**

I herewith communicate, for the information of the general assembly, statements of the condition of the Bank of the Valley in Virginia, on the first days of January 1852 and 1853.

**Very respectfully,**

**Yours. &c.**

**JOS. JOHNSON.**

*The Speaker of the House of Delegates of Va.*





# THE BANK OF THE VALLEY,

**Quarter ending December 31, 1852.**



BANK OF THE VALLEY IN VIRGINIA,  
Winchester, February 24, 1853.

*His Excellency* JOSEPH JOHNSON,  
*Governor of Virginia.*

DEAR SIR,

I enclose statements showing the condition of this bank on the 1st day of  
January 1852 and the 1st day of January 1853.

Very respectfully,

Your ob't serv't,

H. M. BRENT, *Cash.*

*State of the Bank of the Valley in Virginia, including*


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Specie,	-	-	-	-	-	378,649	18
Notes of banks incorporated by this state,	-	-	-	-	-	111,657	46
Notes of banks incorporated elsewhere,	-	-	-	-	-	56,100	18
Due from other banks,	-	-	-	-	-	688,297	97
Notes discounted,	-	-	-	-	-	1,995,675	02
Inland bills discounted,	-	-	-	-	-	302,880	74
Bond account,	-	-	-	-	-	14,795	13
Stock purchased to secure a debt,	-	-	-	-	-	8,000	00
Real estate,	-	-	-	-	-	55,464	56
In transitu between bank and branches,	-	-	-	-	-	100,675	08
Bad debts,	-	-	-	-	\$ 2,843	22	
Doubtful debts,	-	-	-	-	9,233	55	
							<u>\$ 3,712,195 32</u>

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*its Offices of Discount and Deposit, January 1, 1852.*

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Capital stock,	-	-	-	-	-	1,100,000	00
Notes in circulation,	-	-	-	-	-	1,342,309	50
Due to other banks,	-	-	-	-	-	93,497	67
Discount,	-	-	-	-	-	6,208	22
Contingent fund,	-	-	-	-	-	93,587	95
Net profits for the half year ending this day.	-	-	-	-	-	53,677	71
Deposits,	-	-	-	-	-	245,329	35

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**\$ 3,034,610 40**

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We, the undersigned, directors of the Bank of the Valley in Virginia, do certify that we have carefully examined the above statement of the condition of the bank, and we find it correct.

J. A. TIDBALL, *President.*  
WM. MILLER,  
JACOB BAKER,  
DD. W. BARTON,  
R. E. BYRD.

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VIRGINIA—*Frederick County, sci :*

This day Henry M. Brent, cashier of the Bank of the Valley in Virginia, personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, and made oath that the above exhibits the true condition of the said bank on the 1st day of January 1853, as made up from the books of the bank and the reports from the several branches thereof, to the best of his knowledge and belief.

Given under my hand this 24th day of February 1853.

J. P. RIELY.

[DOC. No. LXXIII.]

NECESSARY APPROPRIATION

to

THE BLUE RIDGE RAILROAD

FOR THE

SERVICE OF THE CURRENT YEAR.

1852-3.





OFFICE BOARD OF PUBLIC WORKS,  
RICHMOND, March 15, 1853.

O. M. CRUTCHFIELD, Esq., *Speaker*  
*of the House of Delegates of Va.*

SIR,

In reply to the resolution adopted by the house of delegates on yesterday, calling upon the Board of public works to state, "what amount of appropriation to the Blue Ridge railroad will be needed for the service of the current year," I have been directed by the board to say that, in all probability, three hundred thousand dollars will be required for the service of the present year on that improvement—two hundred thousand dollars to be expended by the first of July next, and one hundred thousand dollars from that time to the first of January next.

Very respectfully,

Your ob't serv't,

W. R. DRINKARD,  
*Sec'y B. P. W.*



[DOC. No. LXXIV.]

R E P O R T

OF

THE COMMITTEE OF FINANCE

RELATIVE TO THE

REVENUES, LIABILITIES, EXPENSES, ETC.

OF

THE COMMONWEALTH.

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SUBMITTED BY MR. GOODE OF MECKLENBURG.

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1852-3.



## REPORT.

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The committee of finance respectfully beg leave to submit the following report on the debt and liabilities and resources of the state :

At the close of the last fiscal year, on the 30th September 1852, the outstanding bonded debt of the state, in the hands of the public, and held by others than state corporations, was fourteen million one hundred and twenty-nine thousand five hundred and fifty-five dollars and thirty cents. (Second Auditor's Report, p. 31.)

On the same day the amount of the state debt evidenced by bond or certificate of debt, held by the Board of public works and the president and directors of the Literary fund, was one million five hundred and twenty-two thousand five hundred and eighteen dollars and ninety-one cents. (Second Auditor's Report, p. 31.)

These two sums being added, exhibit the entire bonded debt of the state on 30th September 1852, to be fifteen million six hundred and fifty-two thousand and seventy-four dollars and twenty-one cents.

On the same day there was payable to internal improvement companies, on account of subscriptions made by the Board of public works, binding the state in law and equity, the sum of two million five hundred and eighty-four thousand two hundred and twenty-nine dollars and forty-six cents. (Second Auditor's Report, p. 17.)

This sum is equal to three-fifths of the unpaid capital stock of the companies to which subscriptions have been made; and the commonwealth is under a legal obligation and moral necessity to advance the entire amount; but by provisions of existing law, she is required to pay only *pari passu* with private and individual corporators, she being required to advance three dollars when they shall have paid two dollars. The works of the companies are, however, for the most part, in a rapid process of construction, and the demands on the treasury are of a character to justify the conclusion that the entire sum will soon be demanded and assume the form of bonded debt.

In addition to the sums above specified, the state may be called on to pay the sum of \$684,460 on account of subscriptions authorized by law to be made to companies of whose organization no information had been received at the close of the fiscal year. The liability of the state on this account must depend on the future organization of the companies. Some of them may never bring themselves in condition to make a demand on the treasury, but it is reasonable to presume that many of them will, and all have the right to do so without the farther action of the legislature. The corresponding sum on 30th September 1851, was \$1,000,080, which was reduced, by the organization of companies during that fiscal year, to \$684,460, thus furnishing a strong presumption that

a large proportion of the remaining sum will be demanded. (Second Auditor's Report, p. 18.)

On what are known at the treasury as guaranteed bonds, the commonwealth is bound as security for certain corporations and joint stock companies, in the sum of \$3,914,874—on \$2,760,000 of which the state has already been called upon to pay the interest through the last fiscal year, on account of default of her co-obligors. (Second Auditor's Report, p. 33.)

It appears from the report of the auditor of public accounts there was due from his office to the Board of public works, on account of a temporary loan, the sum of one hundred and fifty thousand dollars. (Report of Auditor of Public Accounts, Doc. No. 2, p. 4.)

These items are thrown into the form of a table, to exhibit at one view—

*A Statement of the Debt and Liabilities of the State on 30th September 1852.*

Amount of bonded debt held by public,	-	-	14,129,555	31
“ “ “ Board P. W. and Literary fund,	-	-	1,522,518	91
Amount of valid subscriptions,	-	-	2,584,229	46
Authorized subscriptions,	-	-	684,460	00
Guaranteed bonds,	-	-	3,914,874	00
Temporary loan,	-	-	150,000	00
Total debt and liability 30th September,	-	-	\$ 22,985,637	68

Thus does it appear that the total debt and liability of the commonwealth at the close of the last fiscal year was \$22,985,637 68, which sum is now augmented by the several appropriations and legal responsibilities which have resulted from the action of the present session of assembly.

The several items in this table have been subjected to material modifications since the commencement of the present fiscal year on 1st October 1852. A considerable amount of public credit has been funded in the interim, and the sum of the bonded debt thus enlarged, whilst a corresponding reduction has been effected in the amount of valid subscriptions as exhibited on that day. Between the first day of October 1852, and the first of January 1853, there were sold of coupon bonds \$795,000, and of registered certificates of debt \$9,970, making \$804,970, which being added to \$14,129,555 31, exhibits the aggregate (\$14,934,525 31) of bonded debt in the hands of the public on the 1st Jan. 1853. (See manuscript.)

Between 1st of January and 24th of February, inclusive, there were sold of coupon bonds \$300,000, and of registered certificates \$334,990, making \$634,990, which, when added to the bonded debt on 1st of January, exhibits an aggregate of \$15,569,515 31 on 24th of February, exclusive of \$1,522,518 91 held by the Board of public works and the president and directors of the Literary fund. These two sums being added, constitute the sum of the bonded debt (\$17,092,034 22) on which the state is paying interest on 25th of February, and on which interest will continue to be paid until extinguished under the operation of the sinking fund.

It has already been stated, that for the last fiscal year, through default of co-obligors, the commonwealth had been required to pay the interest on \$2,760,000 of guaranteed bonds, which, being added, exhibits the aggregate of \$19,852,034 22,

on which the state is now paying interest on account of debt authorized by law before the opening of our present session, which amount remains to be augmented by the sum to be paid on account of valid subscriptions made and to be made under authority of law.

These remarks apply to the debts and liabilities of the state contracted under authority of law existing before the commencement of the present fiscal year, and are exclusive of the appropriations of the present session of the general assembly.

A communication from the second auditor, dated 1st of March, states the temporary loan due from the commonwealth to the Board of public works to be \$328,400.

On the 1st day of March of present session, acts of assembly had passed both houses, making direct loans and appropriations, and authorizing subscriptions to public works equal to \$5,431,000. Bills had passed each house involving a very large expenditure, but which had not then obtained the sanction of both houses, though little doubt can be entertained as to the final result. But excluding them from our calculations, and confining our estimates to the condition of things on the 1st day of March 1853, the table may be reformed to exhibit the following results :

Bonds held by the public,	-	-	-	15,569,515	31
Bonds held by Board public works and Literary fund,	-	-	-	1,522,518	91
Old valid subscriptions,	-	-	-	1,144,269	46
Authorized by former laws,	-	-	-	684,460	00
Guaranteed bonds,	-	-	-	3,914,874	00
Temporary loans,	-	-	-	328,400	00
				<hr/>	
				23,164,037	68
Loans present session,	-	-	-	2,400,000	00
Direct appropriations, internal improvement, present session,				1,293,000	00
Direct appropriations, not internal improvement,	-	-	-	35,000	00
Authorized subscriptions,	-	-	-	1,703,000	00
				<hr/>	
Total debt and liabilities on the 1st of March,	-	-	-	\$28,595,037	68

From the 1st to the 10th of March, inclusive, additional appropriations were made equal to \$2,067,600 00, which, added to the \$28,595,037 68, the debt and liability of the state on the 1st of March, will raise that sum to \$30,662,637 68— aggregate debt and liability on the 10th of March 1853.

From the 10th of March to the 16th, additional appropriations have been made equal to \$1,375,540, which carries the debt and liabilities of the state to \$32,038,177 68, which sum will probably be enlarged about \$1,000,000.

It is not intended to affirm, what in truth has never been asserted, that a necessity will devolve on the state to pay off this whole amount with money derived from taxes only. It is cheerfully conceded and gladly affirmed, that there are other resources, which come in aid of taxes, as applicable to the extinguishment of this large sum. Your committee will endeavor to state them fairly and examine them candidly.

To the report of the second auditor, communicated to the general assembly at the opening of our session on 12th January 1852, there is attached a table, in

which the resources of the commonwealth, supposed to be applicable to the payment of the public debt, are compendiously grouped, exhibiting an aggregate of productive funds equal to \$7,256,416 13, par value of stocks and loans, with an estimated income of \$494,406 96.

With the report of the same officer, made to this house, and dated 20th November 1852, there is furnished a corresponding table, in which the amount of productive fund is reformed and reduced to \$6,977,891 13, par value of stocks and loans, with an estimated income of \$509,883 39.

To this amount of income there is added in the last table the sum of \$48,137, on account of the semi-annual bonus of  $\frac{1}{4}$  per cent. on the banking capital of the state, payable out of each semi-annual dividend, appropriated by law to the payment of interest on the public debt.

The item is plainly nothing other than a tax on property. It is a bonus paid for the privilege of banking. It is not property at all. It has no potential existence, and is therefore excluded from the catalogue of resources. It is only a resource as any other tax is a resource. The chief item in this table consists of stock in the banks of the state, equal to \$3,808,220, with an estimated dividend of \$308,496 60. It has been insisted that this stock might be sold and the proceeds applied to the reduction, pro tanto, of the public debt. On which proposition the following reflections are respectfully submitted:

This amount of bank stock thus grouped is not held collectively by any one corporation, but is distributed among several, as follows, viz:

By the state, considered as a corporation,	-	-	2,351,300 00
By the president and directors of the Literary fund,	-	-	313,070 00
By the Board of public works,	-	-	1,143,850 00
Total,	-	-	<u>\$ 3,808,220 00</u>

The dividend on the \$2,351,300 held by the state, is stated by the auditor of public accounts in his report of December 1852 at \$191,804 for the last year. It is paid into the general treasury and applied to the support of the civil list and to purposes of the general administration of government. These objects involve an average annual expenditure about equal to \$600,000, of which this sum of \$191,804 constitutes a part. If this sum were not received in the form of dividends on bank stock, it would be necessary to raise its equivalent by taxation to meet the \$600,000 required for the civil list and general administration. It is, therefore, obvious, that if this dividend be withdrawn from its present objects and applied to the payment of interest on the public debt, or if the stock were sold and the proceeds applied to the reduction of the debt, a necessity would arise to raise by taxes the equivalent of \$191,804 to make up the \$600,000 required for the civil list and for the purposes of general administration. The effect on the people would be precisely the same as if the \$191,804 were raised by taxes in the first instance to pay interest on the public debt.

It is, therefore, submitted, that this sum of \$2,351,300, held by the state as a corporation, is not properly included in the list of resources which may be applied to the payment of the public debt without creating a necessity for the exercise of the prerogative of imposing taxes. The dividend on \$313,070, held by the president and directors of the Literary fund, is shown by the report of the second auditor to this house, dated 20th November 1852, to be \$25,137 for the



last year. It is paid into the treasury to the credit of the Literary fund, and applied to the purposes of that fund, which require an average annual expenditure about equal to \$91,500, of which this dividend of \$25,137 constitutes a part. If this sum of \$25,137 were not received in the form of dividends on bank stock, it would be necessary to raise its equivalent by taxes to meet the \$91,500 required to accomplish the annual purposes of the fund. It is, therefore, manifest, that if this dividend be withdrawn from its present objects and applied to the payment of interest on the public debt, or if the stock were sold and applied to the reduction of the debt, a necessity would arise to raise by taxes the equivalent of \$25,137 to make up the \$91,500 required for the annual objects of the Literary fund; and it is therefore obvious, that this sum of \$313,070, held by the president and directors, cannot be included in the list of resources applicable to the payment of the public debt, without creating the necessity to impose taxes.

These two sums deducted from \$3,808,220 reduce the amount of bank stock applicable to the payment of the public debt to \$1,143,850; and the dividend on this amount is now annually applied in payment of the interest on the public debt.

In the table of resources presented by the auditor, there is an enumeration of stocks held by the Board of public works in railroad, turnpike and navigation companies, amounting to \$743,207 80. To elucidate the history and value of those stocks might be useful and instructive, but it would greatly extend this report, and, without comment, they are admitted as resources equal to the sum claimed; and the same will be done in relation to the stock in Old James river company, equal to \$254,500. There are certain bonds held by the Board of public works, amounting to \$182,818, also admitted. Next to the bank stock, the largest item in the list of resources referred to by the second auditor, consists of loans to the James river and Kanawha company, amounting to \$1,984,645, with a smaller bond for \$4,500, making \$1,989,145 33, stated at its par value.

For the creation of this loan to the James river and Kanawha company the commonwealth borrowed money on her own credit, to be loaned on the credit of the company, or perhaps she loaned her bonds to the company, which were sold for cash. The state is bound primarily for the payment of the interest to the bondholders. She looks to the James river and Kanawha company for remuneration. For some time past the company has not been able to meet this obligation, and the value of the bonds may be materially affected by that circumstance. The commonwealth owns the stock of the company of the par value of \$3,000,000. In her relation to the Virginia Bank she has an interest in the stock of the James river and Kanawha company equal to \$250,000 par. On all this she receives no dividend. She has been called on to pay the interest on her own bonds loaned to the company, and on the bonds of the company on which she is bound as co-obligor. But waiving these considerations, and estimating the bonds at par, a table of the resources formed of these data will exhibit the following result, to wit:

Bank stock,	-	-	-	-	1,143,850 00
Stock in other joint stock companies,	-	-	-	-	743,207 80
Stock in old James river company,	-	-	-	-	254,500 00
Bonds of joint stock companies,	-	-	-	-	182,818 00
Bonds of James river and Kanawha company,	-	-	-	-	1,989,145 33
Applicable to public debt.	-	-	-	-	<u>\$4,313,511 13</u>

In addition to this sum of resources the commonwealth has invested, in works of internal improvement not yet complete, the sum \$9,430,159 46, from which profits may be expected when the works are completed; but any estimate now of those profits would be merely conjectural.

Investments have been made in other works equal to \$1,409,986 94, but as they have yielded no dividend heretofore, though in a state of completion, no profit is expected from them through the future.

By the report from the committee of finance during the winter of 1851-52, the attention of the house was directed to a contract entered into on the 11th day of April 1851 between the Board of public works and the house of Selden, Withers & Co., private bankers in the city of Washington, by which four millions of dollars of the credit of the commonwealth were placed at the disposal of that firm on the terms and under the circumstances set forth in the report. This occasioned the introduction into the house of certain resolutions, which, after debate, were referred to the committee of finance, with whom the report originated. But in consequence of the advanced stage of the session, and the great press of business before the committee, no further action was had on the subject before the recess, which terminated on the 22d of November last.

It is found now that the whole amount placed at their disposal by force of that contract has been funded, and the proceeds of the sale of \$4,000,000 of coupon bonds have been faithfully accounted for by Selden, Withers & Co., and paid into the treasury according to the terms and specification of the contract; and no injury is known to your committee to have resulted to the state from the failure of the Board of public works to demand security of Selden, Withers & Co. for the faithful execution of their part of the contract, in accounting for the proceeds of the sale of the evidences of public debt.

It was stipulated on the part of the Board of public works that Selden, Withers & Co. shall be made or continued agents of the commonwealth for the periodical payment of the interest on the \$4,000,000 until the debt shall be paid and discharged, and that the amount of interest shall be semi-annually placed at their control, and subject to their order, one month before it shall become demandable by the bondholder. And as the interest on the \$4,000,000 is payable at any point which may have been agreed upon by the agents, it appears to your committee, that, on a fair construction of the agreement, and on clear principles of law and equity, the expense of transmitting the interest to the point of payment would be a charge on the treasury; but your committee are assured that Selden, Withers & Co. have given their assent to such a construction of the instrument as will devolve on them the obligation to meet this charge, and your committee recommend that the board of public works be instructed to procure such assent in writing reduced to proper form.

This committee cannot yield its assent to the proposition, that it is competent to the Board of public works to create an agency to run through a long term of years, and to appoint agents who shall not be removable at the will and pleasure of the commonwealth. The board itself is, in this respect and as to such a transaction, no more than the agent of the state in negotiating the loan, and it is held a principle of universal law, that delegated power cannot be transferred—  
“*Delegatus non potest delegare.*”

This committee, however, will not suggest that Selden, Withers & Co. shall be dismissed as agents, but it is recommended that they be advised that this house asserts the principle that their agency may be discontinued at the pleasure of the state, and that they be required to give their assent to the principle in writing. And the Board of public works is hereby instructed to require such security at all times as they may deem necessary and proper for the faithful application of all sums which may be placed at their control for the payment of interest.

This committee deem it proper to renew the assurance of its confidence in the integrity, solvency, ability and fidelity of the firm to whom this trust was confided, but as measures of common prudence and necessary precaution, they offer the above suggestions.

A continued necessity to raise funds to meet the obligations of the state, incurred by appropriations and subscriptions to works of internal improvement, has been deemed by the Board of public works to furnish an adequate motive for entering into a second contract with Selden, Withers & Co. for the sale of "one million of dollars in amount of Virginia six per cent. coupon bonds, for which the said purchasers are to pay as much money as will be equal to the principal of the bonds, interest accrued to the day of payment, and eight per cent. on the principal:" the bonds to be delivered and paid for on terms suited to the convenience of the treasury.

This contract bears date on the 18th of December 1852, and differs from the former contract in several important particulars. Selden, Withers & Co. are not mere agents to negotiate the sale of state bonds, and to be the holders of the proceeds of the sales *in transitu* between the purchasers and the treasury, without security for the faithful application thereof, but they are themselves the actual purchasers, at rates far more advantageous to the commonwealth, and bound to pay the purchase money into the treasury in the manner prescribed by law, at their own cost and risk. They are retained as agents for the payment of the semi-annual interest on the bonds, but it is expressly stipulated that the agency may be discontinued at the pleasure of the commonwealth. It is agreed that the amount of semi-annual interest shall be deposited in one of the banks in Richmond, in specie funds, to the credit of Selden, Withers & Co., fifteen days before the same shall be payable to the bondholders; but they expressly bind themselves to make the payment in New York when due, and, by consequence, at their own charge or cost; and it is expressly agreed the deposit may be withheld whenever it is apprehended that the state would not thereby be relieved from responsibility for such interest.

Your committee have no such knowledge of the stock market as to justify the expression of an opinion as to the adequacy of the premium obtained, but they call attention to the fact that the state of the law is such as to authorize negotiations of such magnitude, without even communicating the fact to the legislature at a time when that body is in actual session. The action of the legislature at the present session has rendered it absolutely necessary to effect a large loan to enable the treasury to meet its obligations. It is worthy of reflection whether that object shall be accomplished through our accustomed forms, or through some instrumentality not heretofore employed. The credit of the commonwealth is entitled to the highest confidence. Her bonds should command the highest pre-

mium known to the stock market. The security which she offers, when brought into comparison with her indebtedness, is ample, beyond all doubt; for besides any resource which she may derive from her public works in the form of dividend, she has the unlimited right of taxation, the power to assess tax on five hundred millions of dollars—property of our people. The legislature is constrained to exercise this power as far as demanded by the necessities of the state, being required by an express provision of the constitution—which the members are individually sworn to support—to provide for the establishment of a sinking fund equal to the payment of the annual interest and the ultimate redemption of the principal in thirty-four years.

The length of time which state bonds have yet to run materially affects the market value, and in this respect no public securities are supposed to be preferable to those of Virginia. The evidence of debt is put in the form determined by the wish of the purchaser, being either registered certificates or coupon bonds, which pass by delivery as a bank note, but as a bank note bearing interest.

With all these advantages, it seems obvious the bonds of Virginia shall command the highest premium, and your committee recommend the appointment of an agent to visit the large capitals of Europe, to make such arrangements in respect to the loan as may be best calculated to subserve the public interest.

The law now in force, passed June 5, 1852, was designed to provide the ways and means of supporting the civil list and furnishing the general administration to the close of the current fiscal year on 30th September 1853. The official terms of the members of the present house of delegates will expire on the 30th June 1853; their successors will be chosen and a session opened on the day prescribed by law, but not in time to provide for the wants of the treasury. It is the duty of the present general assembly to provide the ways and means of supporting the civil list, and furnishing the general administration, through the next fiscal year, commencing on 1st October 1853, and closing 30th September 1854, both inclusive. It is therefore important to ascertain, with reasonable accuracy, the sum of money which will be required to meet this high obligation, and to pay the interest on the public debt, in conformity with the provisions of the constitution which require the establishment of a sinking fund.

In endeavoring to ascertain these several sums, the committee of finance has recently, as heretofore, invoked the assistance of the auditor of public accounts. That officer has found the difficulties of the subject to be such as, up to this time, to have prevented a response to the recent call. On the 10th of April 1852, in reply to a similar call, he presented estimates of the probable receipts and disbursements of the treasury for the two fiscal years, to close on 30th September 1853 and 30th September 1854 respectively.

In those estimates it was represented that \$1,433,641 35 would be required for the disbursements of the year to close 30th September 1853, and \$1,620,991 35 for the year to close 30th September 1854, making for the term \$3,054,632 70, whilst the report from this committee about the same time exhibited estimates for disbursements through the same term calling for \$4,048,766 47.

By a joint resolution of the two houses of assembly, a joint committee was organized, consisting of the committee of finance of the house of delegates and the committee of finance of the senate, charged to consider the finances of Vir-

ginia for the fiscal year to close on 30th September 1853. That joint committee ascertained it to be necessary to raise the following sums :

For ordinary disbursements, civil list, &c.	-	-	560,830 00
For interest on bonded debt 1st January 1852—outstanding,			838,028 10
Interest on bonds issued and to be issued between 1st January 1852 and 1st July 1853,	-	-	141,750 00
Interest on bonds held by Board of public works and president and directors of Literary fund,	-	-	91,163 88
To pay floating debt due from auditor of public accounts to office of second auditor,	-	-	380,097 12
Total necessary for year to close 30th September 1853,	-	-	<u>\$ 2,011,869 10</u>

The embarrassed condition of the treasury and the strong necessity to raise the taxes induced the joint committee to recommend that the floating debt of \$380,097 10 should be funded and converted into permanent debt, thereby reducing the \$2,011,869 10 by that amount, but creating a necessity to raise 7 per cent. for thirty-four years on \$380,097, which would have been about \$26,606 79 per year, making the sum necessary to be raised for the fiscal year to close on 30th September 1853, about \$1,658,319 86, exclusive of the cost of collection.

Applicable to the payment of this sum of \$1,658,319 86, the resources of the commonwealth, other than taxes, increased by the resources of the Fund for internal improvement, were expected to afford a sum equal to \$586,562 66, reducing the amount necessary to be raised by taxes to \$1,172,138 20, of which it was designed to raise \$335,000 by tax on licenses, and \$837,138 20 by tax on property.

If the necessities of the treasury for the fiscal year to end on 30th September 1853 were accurately measured by the estimates submitted on 10th April 1852 by the auditor of public accounts, they would require no more than \$1,433,641 35. If they were accurately estimated by the joint committee, they would require the expenditure of \$1,658,319 86, after having funded the floating debt, amounting to \$380,097 12.

The sums which may be applied to the satisfaction and extinguishment of these demands, are derived from the following sources, viz :

From bank dividends and other ordinary resources of the commonwealth,	-	-	323,248 72
From Fund of internal improvement, (Second Auditor's Report, p. 22,)	-	-	344,033 73
Tax and licenses,	-	-	1,132,780 48
			<u>\$1,800,062 93</u>
Balance in treasury 1st October 1852,	-	-	<u>\$ 37,628 82</u>

Being a sum far exceeding the estimates of the auditor, or even those of the joint committee. Yet it appears to have been necessary to borrow money and to resort to extraordinary loans to meet the current demands on the treasury, which proves that those demands have been greater than were estimated by the auditor or by the joint committee.

It appears from the annual report of the auditor of public accounts, dated Dec. 1852, that the temporary loan from the Board of public works to the commonwealth was \$150,000 at the close of the last fiscal year, and it is shown by a communication of the second auditor, dated 1st March 1853, to have been \$328,400 on that day, thus exhibiting an increase of \$178,400 during the current fiscal year; and adding that amount to the resources contemplated by the joint committee, this result, it is presumed, is to be ascribed mainly to the fact that a much larger sum has been required to pay the interest on the public debt than was estimated by the auditor of public accounts. He estimated that the bonded debt of the state on 1st January 1853 would be \$13,721,838 30, whereas it has been shown to have been \$14,934,525 30 on that day, being \$1,212,687 more than the estimate of the auditor, exhibited on 10th of April 1852.

In the same estimates of 10th April 1852 it was stated by the auditor that the outstanding bonded debt of the state in the hands of the public on the 1st of July 1854 would be \$15,471,893 30. It has been shown that on the 1st of March 1853 the bonded debt held by the public, exclusive of the sum held by state corporations, was \$15,569,515 31, being \$97,677 01 more than the estimate of the auditor for the 1st of July 1854, and proving the estimate of the auditor to have been erroneous by \$97,677 01, and, in addition thereto, by the whole amount which shall be bonded between the 1st of March 1853 and the 1st of July 1854, being sixteen months, at a time when the bonds of the state are sold at an average of \$12,000 a day. It is therefore unavoidable that a larger sum should be required to meet the engagements of the treasury than was anticipated by the fiscal officer; but there is a state of things connected with the subject which is worthy of the attention of the general assembly.

The action of the joint committee fixed the sum of the floating debt due from the auditor of public accounts to the office of the second auditor at \$380,097 12. The accuracy of this statement is sufficiently attested by the report of the auditor of public accounts, dated December 1852. That report represents the temporary loan effected with the Board of public works at \$150,000, whilst it states that \$231,574 03 had been used, for the relief of the general treasury, of funds "not ordinarily appropriated to such purposes;" and these two sums make together the sum of \$381,574 03.

The sums which composed the item of \$231,574 03, as described by the auditor, had, since the date of that report, been augmented to \$264,000 on the 1st of March, whilst temporary loans on that day ranged to \$328,400, making a floating debt due from the first auditor to the second auditor of \$592,400.

In other words, the resources of the state derived from taxes and other ordinary sources of revenue, had been insufficient to meet the legitimate demands on the treasury chargeable on those revenues according to law, by a sum equal to \$592,400.

Of this sum, \$328,400 had been procured on loan from the Board of public works, under authority of an act of assembly passed 31st March 1852, entitled "an act to authorize the Board of public works for a limited time to loan money to the commonwealth." This act contemplated no loan of longer duration than six months, and contained an express provision that the amount borrowed should be returned in the months of June and December from the revenues of the current fiscal year. Yet, in disregard of this express provision, no money had been paid on account of loans effected under the act.

Another component part of this \$ 592,400 consists of \$ 89,642 59 premiums on sales of state stock, down to the close of the last fiscal year, and which is a part of the capital stock of the Fund for internal improvement, legally applicable to the payment of appropriations and subscriptions to works of internal improvement and not to the payment of interest on the state debt, but which has for some time passed been habitually applied to the general purposes of the treasury by the fiscal officers of government through the Board of public works, by an express resolution declared it to belong to the permanent capital of the Fund for internal improvement.

Another component part of this \$ 592,400 consists of \$ 42,859 07 belonging to the redemption fund. In the early charters incorporating railroad companies, it was usual to insert a clause setting apart the surplus dividends and other income as a fund to purchase the stock issued for the construction of the work, and provide for the ultimate extinguishment of the debt. The fund thus created was known at the treasury as "The Redemption Fund." The moneys legally applicable to this fund, it is believed, were regularly set apart and invested according to law down to the year 1850. It is not known to the committee that any such investment of the fund has been effected since the 26th of March of that year. But instead of being thus applied, the money has been appropriated to pay the interest on the public debt or to meet the obligations of the general treasury.

Another component part of this \$ 592,400 consists of \$ 99,072 37 of the money procured by sale of state bonds effected for the purposes of internal improvement and applied to the purposes of the general treasury. These items together formed at the close of the last fiscal year an aggregate of \$ 381,574 03, and have been augmented since to the sum of \$ 592,400 67.

The funds primarily applicable to the payment of interest on the public debt are the revenues and incomes of the Fund for internal improvement. When all these have been applied and exhausted, the obligation to pay the residue devolves on the general treasury. But instead of practising on this rule, the habit has obtained for some time of exhausting first the income of the Fund for internal improvement, then the moneys properly applicable to the redemption fund, together with the premiums obtained by sale of state stock, then to appropriate from the general treasury such sum as may suit the convenience of the fiscal officer, and then the second auditor has advanced the remainder from the capital stock of the Fund for internal improvement. It is for the legislature to sanction or prevent such practices through the future, and to determine what disposition shall be made of the floating debt at present.

Carrying it into the estimates of the next fiscal year, the necessities of the treasury cannot be less than indicated in the following table:

*Probable Disbursements from 1st October 1853 to 30th September 1854.*

Floating debt,	-	-	-	264,000	67
Temporary loan,	-	-	-	328,400	00
On thirty-five subjects of estimates, 10th April,	-	-	-	473,112	00
General assembly,	-	-	-	135,000	00
Interest to Board of public works and P. & D. Sinking fund,	-	-	-	91,823	81
Seven per cent. on \$14,934,525 30,	-	-	-	1,045,316	30

Interest on \$887,890, bonds now sold since 1st January 1853,			
for three months to 1st Jan. 1854,	-	-	13,318 37
Seven per cent. on same to 30th September,	-	-	46,614 21
			<u>2,397,585 36</u>

Conjectural:

Bonds to be sold before 1st January 1854, \$4,000,000.

Per cent. to 1st January 1854.

7 per cent. to 1st October 1854.

Probable interest to 1st January 1854,	-	-	100,000 00
			<u>\$2,497,585 36</u>

Applicable to this the commonwealth has resources derived from dividends on bank stock and other ordinary revenue, payable into the general treasury, exclusive of taxes on property and licenses, equal to about			
	-	-	324,000 00
Net revenue of Fund for internal improvement,	-	-	344,000 00
Total revenue, exclusive of taxes,	-	-	<u>\$668,000 00</u>

All which is respectfully submitted.







[DOC. No. LXXV.]

REPORT

OF

THE SPECIAL COMMITTEE

APPOINTED TO ENQUIRE INTO

THE PROGRESS MADE IN PUBLISHING

THE

REGISTER OF DEBATES OF CONVENTION.

1852-3.



## REPORT.

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The special committee appointed to enquire into the progress which has been made in the publication of the Register of Debates of the Virginia convention; to ascertain how far the contract with Robert H. Gallaher for the publication of said debates has been complied with; to enquire what additional legislation is necessary to secure the completion of said work, and what amount has been paid for printing the proceedings and debates of said convention—distinguishing between the amounts paid for the Supplement and the Register—and who were directed to report by bill or otherwise, have had the same under consideration, and submit the following report:

That the 11th section of an act of the general assembly entitled an act to take the sense of the people upon the call of a convention, and provide for organizing the same, passed March 4, 1850, empowered the convention, which was to assemble in pursuance of said act, to appoint such officers and to make such reasonable allowances for their services as it might deem proper. Such allowances were to be audited by the auditor of public accounts and paid by the treasurer of the commonwealth upon proper warrants.

The persons who were elected in pursuance of the said act met at the capitol in the city of Richmond in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the then existing constitution, and by the authority of the act above referred to, adopted, on the 20th day of January 1851, the following resolutions:

1. Resolved, that Robert H. Gallaher be and he is hereby appointed publisher of the debates and proceedings of the convention.

2. The said publisher shall publish or cause to be published, semi-weekly, in the Richmond Whig, Enquirer, Examiner, Times, Republican Advocate and Republican, or in a Supplement to those papers, the debates and proceedings of the convention, so that the readers of said papers, whether they be subscribers to the daily, semi-weekly or weekly issues, shall have distributed to them, each week, the debates and proceedings of one week.

3. The compensation of the publisher shall be as follows: \$3 25 per column for composition of matter equal to a column of the Supplement heretofore issued; \$4 60 a ream for paper of the size of the Supplement, (only so much paper to be paid for as is actually used in printing,) and 62½ cents a token for press-work; the accounts to be settled and allowed by the secretary, weekly, and to be verified by the affidavit of the foreman or clerk of the publisher.

4. The said publisher shall also furnish, twice each week, twenty copies of the debates and proceedings to each member, and shall wrap, mail and direct the same according to the instructions of members, at a charge not exceeding two cents a copy, and no higher price shall be charged to others.

5. The said publisher shall also furnish six hundred copies of the *Register of Debates* in octavo form, at a price to be fixed by the convention for press-work and paper; no additional charge to be made for composition, except for corrections. Said *Register* to be published at sufficient intervals, after the publication of the same matter in the newspapers or the Supplement as aforesaid, to afford an opportunity for corrections of errors therein. One copy of said *Register* to be delivered as published to each member and officer of the convention, one bound copy to be furnished to each member and officer at the close of the session, and the residue of the six hundred copies to be bound and delivered to the secretary of the commonwealth, subject to the order of the general assembly. The cost of binding shall not exceed sixty cents a volume.

6. That the secretary take bond with sufficient security from said Robert H. Gallaher, for the faithful performance of the duties prescribed in the foregoing resolutions, and that he procure the agreement in writing, of the proprietors of the papers hereinafter named, to distribute the debates and proceedings in the manner set forth in the second resolution.

The 5th resolution of the convention, it is manifest, contemplated the publication of the speeches of members at sufficient intervals, after the publication of the same matter in the newspapers or Supplement, to afford an opportunity for corrections of errors therein; yet it appears that the manuscript speeches of members were so long delayed before they were prepared for publication, that the other proceedings of the convention, which were regularly put in type and published, had to be distributed, so that it was impossible to transfer the printed matter for the Supplement into the *Register*. Such being the condition of things before the convention adjourned, and the necessity for resetting the type for the *Register* being supposed to be to some extent indispensable, the convention, on the 31st day of July 1851, adopted the following additional resolutions, viz:

1. Resolved, that the publisher of the convention, under the superintendence of the secretary of the convention, be authorized to compile, from the journal and from the city papers published at the time, a condensed history of the short session of the body held in the months of October and November last: said history to form part of the *Register of Debates* already ordered for the use of members and for distribution to the several states and to public officers according to the late act of assembly.

2. Resolved, that the secretary of the convention be authorized to certify for payment the accounts of Robert H. Gallaher for the publication of the said *Register of Debates*: provided however, that no greater rates be charged for composition, press-work and paper than is now allowed for each in the publication of the Supplement sheet. Alterations by members, but not corrections of the printers, to be paid for; and in no instance is composition to be allowed except where the type have been actually reset for the *Register*.

It will be seen from the last resolutions of the convention, that it was conceded that the composition for the Supplement could not in all cases be transferred to the *Register*, as had been originally contemplated, and that the type must necessarily be reset to a considerable extent; and therefore the convention intended that the publisher should be paid for all matter which he was necessarily compelled to reset. The committee do not think, however, that the publisher would be thereby authorized to reset at his discretion to an unlimited extent.

The doubtful authority of the convention to create an office for the publication of the debates, the office of secretary of the convention having ceased at the time of the adjournment, so that the accounts could not be certified, and other reasons, induced the auditor of public accounts to decline the payment of the publisher's accounts until the same shall be provided for by the general assembly. Under the combination of difficulties thus presented, it is quite apparent that the publication of the debates had to be suspended to await the necessary authority and means to proceed. The committee are satisfied that the publisher has complied with his contract, so far as it was practicable; and they are informed by the publisher that as soon as authority is given to the auditor to settle his accounts, he will at once resume the publication of the Register, and will have the work ready for delivery at an early day. The bond for the faithful execution of the contract the committee deem amply sufficient to secure its completion, and a copy of said bond is herewith annexed.

Know all men by these presents, that we, Ro. H. Gallaher, John S. Gallaher, John Grame and John F. Wall are held and firmly bound unto the commonwealth of Virginia in the sum of five thousand dollars; for the true payment whereof, we bind ourselves, our heirs, &c. Witness our hands and seals this twenty-fifth of January (1851) eighteen hundred and fifty-one.

The condition of the above obligation is such, that whereas the convention of Virginia, held under the authority of an act of the general assembly of Virginia, passed on the 4th day of March 1850, did, on the 20th day of January 1851, agree to the following resolutions, to wit:

1. Resolved, that Robert H. Gallaher be and he is hereby appointed publisher of the debates and proceedings of the convention.

2. The said publisher shall publish or cause to be published, semi-weekly, in the Richmond Whig, Enquirer, Examiner, Times, Republican Advocate and Republican, or in a supplement to those papers, the debates and proceedings of the convention, so that the readers of said papers, whether they be subscribers to the daily, semi-weekly or weekly issues, shall have distributed to them each week the debates and proceedings of one week.

3. The compensation to the publisher shall be as follows: \$3 25 a column for composition of matter equal to a column of the supplement heretofore issued; \$4 60 a ream for paper of the size of the Richmond Whig, or \$4 20 a ream for paper of the size of the Supplement—only so much paper to be paid for as is actually used in printing; and 62½ cents a token for press-work: the accounts to be settled and allowed by the secretary weekly, and to be verified by the affidavit of the foreman or clerk of the publisher.

4. The said publisher shall also furnish twice each week twenty copies of the debates and proceedings to each member, and shall wrap, mail and direct the same, according to the instructions of members, at a charge not exceeding two cents a copy; and no higher price shall be charged to others.

5. The said publisher shall also furnish six hundred copies of the "Register of Debates" in octavo form, at a price hereafter to be fixed by the convention for press-work and paper. No additional charge to be made for composition, except for corrections: said "Register" to be published at sufficient intervals, after the publication of the same matter in the newspapers or supplement as aforesaid, to afford an opportunity for the correction of errors therein. One copy of said Register to be delivered as published to each member and officer of the convention; one bound copy to be furnished to each member and officer at the close of the session; and the residue of the six hundred copies to be bound and delivered to the secretary of the commonwealth, subject to the order of the general assembly. The cost of binding shall not exceed sixty cents a volume.

Now if the said Robert H. Gallaher shall truly and faithfully perform all of the duties prescribed for him by the said resolutions, then this obligation shall be void, else to remain in full force and effect.

RO. H. GALLAHER. (Seal.)

JNO. S. GALLAHER. (Seal.)

JOHN GRAME. (Seal.)

JOHN F. WALL. (Seal.)



The Register of Debates, authorized by the resolutions of the convention to be published, forming such an important and useful part of the history of the great state of Virginia, ought certainly to be published, and, in the opinion of the committee, to a greater extent even than that authorized by the convention.

There have been already printed upwards of five hundred pages of the Register of Debates, and it is supposed that the entire work will be embraced in about four volumes of seven or eight hundred pages each.

The amount paid Ro. H. Gallaher for printing the debates and proceedings of the convention is thirty-four thousand, six hundred and fifty-three dollars sixty-four cents: of which the sum of \$34,013 64 was for the Supplement, and the sum of \$640 for the Register.

The committee beg leave to report the accompanying bill.

J. M. BENNETT.  
L. G. CARRINGTON.  
SILAS B. HUNTON.



*A Statement of the Amounts of Money paid, on account of Printing and Publishing the Convention Supplement and Register of Debates, to Robert H. Gallaher, made out in accordance with the Vouchers in the Office of the Auditor of Public Accounts.*

Date of Payment.	To whom paid.	On account of Supplement.	On account of Register.
27th January 1851,	Robert H. Gallaher,	576 37	
6th February "	"	432 52	
8th " "	"	469 57	
17th " "	"	904 66	
22d " "	"	802 12	
1st March "	"	604 38	
8th " "	"	1064 57	
15th " "	"	1400 62	
24th " "	"	1041 95	
29th " "	"	925 55	
5th April "	"	1283 10	
12th " "	"	1253 23	
19th " "	"	1300 52	
3d May "	"	1078 58	
10th " "	"	1244 42	
17th " "	"	1026 50	
24th " "	"	858 50	
31st " "	"	870 25	
10th June "	"	660 00	
16th " "	"	1080 50	
21st " "	"	870 25	
28th " "	"	870 25	
5th July "	"	816 25	
19th " "	"	1000 13	
26th " "	"	1000 13	
2d August "	"	924 25	
16th " "	"	1272 50	
15th September "	"	2268 87	
6th October "	"	1188 50	
7th " "	"	1320 63	
15th " "	"	552 00	
27th " "	"	816 25	
12th Nov'r "	"	726 50	
19th " "	"	765 12	
29th " "	"	354 13	
3d Dec'r "	"	400 00	
17th January 1852,	"	-	640 00
		\$ 34013 64	\$ 640 00

I hereby certify that the foregoing is a true statement from the records of this office.  
Given under my hand at the auditor's office, Richmond, this 14th March 1853.

RO. JOHNSTON,  
*Aud. Pub. Accounts*

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[DOC. No. LXXVI.]

# REPORT

OF

## THE FIRST AUDITOR

RELATIVE TO

### THE ESTIMATED RECEIPTS AND DISBURSEMENTS

FOR THE

FISCAL YEARS 1852-3 AND 1853-4.

1852-3.



## REPORT.

AUDITOR'S OFFICE, RICHMOND,  
March 18, 1853.

SIR,

In answer to a resolution of the house of delegates, agreed to on the 2d day of this month, I herewith send you estimates of the probable receipts and disbursements at the treasury, through this office, for the two fiscal years to close on the 30th of September 1853 and the 30th September 1854, &c.

In making these estimates I have been compelled to anticipate, to some extent, the future action of the general assembly at its present session; this action may be different from my expectation. I have not taken into account the supposed effect of the action of the general assembly at its session to be held in the winter of 1853-4.

It will be seen that I have supposed the disbursements of the government, through this office, during the two fiscal years aforesaid, will be \$3,099,117 83; i. e. the disbursements of the fiscal year 1852-3 will be \$1,464,707 03, and the disbursements of the fiscal year 1853-4 will be \$1,634,410 80.

I have also supposed that the receipts of the two fiscal years aforesaid, at this office, will be, including the balance in the treasury on the 1st of October 1852, \$3,068,774 39; i. e. \$1,553,332 22, including said balance for the year 1852-3, and \$1,515,442 17 for the year 1853-4. For these two years the excess of the disbursements over the receipts is \$30,343 44. These calculations, of course, are founded upon the supposition that the revenue laws, including the rates of taxation, remain unchanged.

The great elements of uncertainty in the estimates of the disbursements of the year 1853-4 are the items of interest and the amount payable to the sinking fund proper. It is impossible to foresee what amount of the debt authorized to be contracted by the present general assembly will be contracted within the two fiscal years aforesaid, and at what precise points of time therein. I have made my estimates of the interest to be paid, and the amount to be appropriated to the extinguishment of the public debt, for the two years embraced in them, without reference to the loans authorized to be made to certain railroad companies and to the James river and Kanawha company, to enable them to continue the construction of their improvements. I have presumed that these companies will pay the seven per cent. per annum upon these loans, which they are required, by the laws authorizing the loans, to pay. Excluding these loans from my estimates, I have assumed that, under the laws existing before this session of the general assembly, and the laws passed at this session up to this time, there will be contracted, between the 1st day of this month and the 1st day of July next. \$500,000; between the 1st

day of July 1853 and the 1st day of January 1854, \$1,000,000; and between the 1st day of January and the 1st day of July 1854, \$1,500,000, making an aggregate sum of \$3,000,000, on which interest will be payable in the fiscal years 1852-3 and 1853-4. This sum—together with the loans to certain railroad companies and to the James river and Kanawha company for construction, all of which will probably be called for prior to the 1st day of July 1854—will make the increase of the public debt between the 1st day of March 1853 and the 1st day of July 1854, \$6,000,000.

The increase of the public debt, between the 1st day of January 1852, and the 1st day of October of that year, was, as appears by the report of the second auditor, (see table A, Doc. 5, page 231 of his report, made to the general assembly at its adjourned session, now continuing,) \$2,157,717; to this sum there was added between the 30th day of September 1852, and the 1st day of January 1853, \$804,970, making the increase of the public debt during the calendar year 1852, \$2,962,687. It will be recollected that on the 10th day of April 1852, I estimated the probable increase of the public debt, during the year aforesaid, at \$1,750,000: in fixing this sum, of course only the natural and probable increase of the debt under then existing laws was calculated; future legislation and remote probabilities were not, as they should not have been, taken into the account. After the date of the estimate last aforesaid, the Board of public works held, that the Virginia and Tennessee railroad company was entitled to, and paid to that company, prior to the 1st day of January 1853, the sum of \$270,000, it being arrearages of undrawn appropriations to that company for previous years: this sum was in addition to the annual appropriation for the then current year. About the 1st of July 1852, the general assembly directed the Board of public works to loan to the James river and Kanawha company \$120,000, to enable that company to pay certain charges upon it, then, or about to become due; this loan was made. The general assembly took a recess in June last, without making any provision for the works of internal improvements in process of construction by joint stock companies. In almost every instance the state was interested in these companies to the extent of three-fifths of their capital stock. Railroad companies, of the above mentioned class, were driven by their necessities to sales of their bonds, at a price greatly under par, rather than to stop their work and discharge their contractors, &c. The Board of public works, to prevent, as far as possible, this great sacrifice, in which the state through these corporations would so largely share, and for other reasons, loaned to several of these companies, for short periods, considerable sums of money, upon which was paid by them, to the state, interest. There was unrefunded of these loans, on the 1st day of January 1853, \$281,066 48.

But the Board of public works had on hand on the 1st day of January 1853, \$79,599 44, which had been borrowed for purposes of internal improvement during 1852, but was not needed for use in that year.

The general assembly not having passed the necessary revenue laws, including the tax bill, at as early a day as was anticipated, and not having reduced, as was expected, the time within which to collect and account for the revenue, the revenue was not collected and paid in as usual in December; consequently, very heavy charges upon the general treasury had to be met by temporary loans from the board, thereby increasing the public debt contracted between the 1st day of



January 1852 and the 1st day of January 1853. It is true that this was no permanent increase of the public debt. This item amounted to at least \$125,000. There are other smaller amounts of that debt which were contracted under similar circumstances, but I will not carry the enumeration further. The account then stands thus, viz :

Actual increase of public debt, between the 1st January 1852 and the 1st January 1853,	-	-	-	2,962,687 00
Estimated increase during the same period,			1,750,000 00	
Contingent sums above named,	-		875,665 92	
			<hr/>	2,625,665 92
Difference,	-	-	-	<hr/> <u>\$ 337,021 08</u>

Then on the 10th day of April 1852, with the lights before me, looking forward through nine months, I underestimated the debt to be contracted during that time, for carrying on a system of internal improvements, spreading over almost the entire state, by the sum of \$ 337,000. But this underestimate has not been now first discovered: in a few days after my April 1852 estimates were sent to the house of delegates, I came to the conclusion that I had underestimated the amount of debt which would be contracted during this period. I so informed a prominent member of that house, and he made the statement to that body, so that no one was deceived by this short calculation. I did not then think the matter worthy of a communication to the house of delegates, as it did not affect the estimates of the current disbursements of but a small sum.

A similar investigation will show that, calculating upon the data then before me, by which I mean certainties and strong probabilities, I did not, on the 10th day of April 1852, materially err, as far as developments up to this time show, in calculating the amount of debt which would be probably contracted, under the laws then existing, between the 1st day of January 1853 and the 1st day of July 1854. But it is unnecessary to enter into the discussion of this subject. What I have said above has been said for the purpose of showing that the estimates as to the future increase of the public debt now presented are not so entirely visionary as they might seem to be, though I confess they are not, looking only to your past action, entirely worthy of your confidence. I have had no opportunity to examine the provisions of the various bills appropriating money for internal improvements at this session, these bills being scattered about in the hands of enrolling committees and clerks. The clerk of the house of delegates has not been able, from these and other causes, to furnish me with a perfect list of the appropriations which have been made at this session of the general assembly; and even whilst I write, further appropriations are being made. What effect the future action of the present session and the session of 1853-4 of the general assembly may have in deranging the calculations, the results of which I have given, of course cannot be foreseen. That effect will undoubtedly be great.

No provision is made, in my estimates of disbursements, for repaying to the Board of public works the amount borrowed of it by the commonwealth proper. Although the law authorizing that loan directed its repayment in July and January last, yet such was the state of the treasury then that it was, impossible to do so. The revenue of 1852, out of which the payment in January last was expected to be made, is just now, owing to the lateness of the collections thereof,

coming into the treasury. But if the means had been in the treasury, on the first day of January 1853, to make this payment to the Board of public works, I would not have felt authorized to make it, inasmuch as the general assembly, then in session, had under consideration the propriety of canceling this debt, in part at least. Nor would it have been considered proper to repay to the redemption and premium funds, even if the means had been in hand and the law had required it, the amounts withdrawn from them, the general assembly having indicated an intention to appropriate these sums to the other general purposes of the treasury or to the sinking fund, and the subject still being under consideration, by that body, in session.

Relying upon the opinion of the president of the James river and Kanawha company, expressed in a letter to me, appended to this report, I have taken for granted that the usual semi-annual payments of that company to the Board of public works, on account of interest, &c., will be made in July and January next, and in July 1854. I have not reckoned on the payment, by that company, of the last January installments. I also, on the same authority, look for the payment into the treasury, by this company, of the interest payable to the commonwealth, through this office in 1852-3 and 1853-4.

I am, with high respect,

Your obedient servant,

RO. JOHNSTON,  
*Aud. Pub. Acc'ts.*

HON. O. M. CRUTCHFIELD,  
*Speaker of the House of Delegates.*

## AN ESTIMATE

*Of the Probable Receipts and Disbursements of the Treasury for the two fiscal years to close on the 30th September 1853 and 30th September 1854—prepared in compliance with a Resolution adopted by the House of Delegates on the 2d March 1853.*

## ESTIMATED RECEIPTS.

	From Oct. 1, 1852, to Sept. 30, 1853.	From Oct. 1, 1853, to Sept. 30, 1854.
On account of taxes on land, slaves and other property, income and licenses, and capitation tax, (note a.)	1195020 17	1195020 17
On account of militia fines and commutation of fines,	12000 00	12000 00
On account of tax on suits, seals of court, probats, administrations, deeds, &c. from clerks of courts,	30000 00	30000 00
Taxes on notarial seals,	8000 00	8000 00
Fees for business of the register's office,	5000 00	5000 00
For tax on state seal,	50 00	50 00
From inspectors of tobacco, for duties, storage at public warehouse in the city of Richmond, proceeds of sale of waste tobacco, &c.	11650 00	11650 00
From sales of waste and unappropriated land,	5000 00	5000 00
For redemption of lands returned delinquent and lands purchased by the commonwealth at tax sales,	800 00	800 00
Dividends on bank shares—3250 Bank of Virginia, 5050 Farmers Bank of Virginia, 3700 Bank of the Valley, 8488 Exchange Bank of Va. 4000 Northwestern Bank of Va. }	191804 00	191804 00
Interest on a bond of the James river and Kanawha company,	16118 00	16118 00
Tax on dividends, declared by banks to resident stockholders,	10000 00	10000 00
To sales of condemned slaves to be transported without the United States,	10000 00	10000 00
For sales of articles manufactured at the penitentiary,	6500 00	6500 00
For fees for printing Records for court of appeals at Lewisburg and Richmond,	3000 00	3000 00
From the weighmaster of live stock,	700 00	700 00
From the sale of weights and measures,	3000 00	3000 00
From criminal prosecutions, costs, &c.	500 00	500 00
From civil prosecutions, costs, &c.	300 00	300 00
Micellaneous—Rents, seals affixed to copies of registers of free negroes, &c.	6000 00	6000 00
Refunded by the United States on account of expenses of organizing, &c. the Virginia regiment of Mexican volunteers, less agents' commissions,	7416 03	
	1522858 20	1515442 17
Add balance in the treasury on 1st October 1852,	30474 02	1553332 22
Balance on hand 1st October 1852, and estimated receipts for 1852-53, and 1853-54,	-	\$ 3'68774 39



*Note to Table of Estimated Receipts.*

<b>Note a.</b> —Estimated taxes on land, slaves and other property, per recapitulation to detailed revenue statement appended to the auditor's last annual report,				-	-	-	-	901,828 72
<b>Tax on licenses, reported to September 1852, per ditto.</b>				-	122,584 26			
<b>Reported since,</b>				-	2,110 82			
							124,695 08	
<b>Tax on new subjects of license, embraced in the above sum of \$122,584 26, viz:</b>								
<b>Attorneys,</b>				-	5,270 30			
<b>Physicians,</b>				-	10,728 09			
<b>Others,</b>				-	7,706 22			
					23,704 61			
<b>Estimated increase thereon in the spring of 1853,</b>					2,304 61		26,009 22	
<b>Tax on licenses reported to June 1852, per statement above referred to,</b>				-	192,472 62			
<b>Deduct venders of lottery tickets,</b>				-	15,000 00			
					177,472 62			
<b>Add 35 per cent. thereon as the probable increase for 1853,</b>				-	62,115 41		239,588 03	
<b>Probable amount of tax on licenses returnable between 1st June 1852 and 1st June 1853,</b>							390,292 33	
							1,292,121 05	
<b>Deduct estimated delinquents and overcharges on \$901,828 72, per statement above referred to,</b>				-	13,575 88			
<b>Deduct estimated commissions on revenue tax and tax on licenses,</b>					83,525 00		97,100 88	
							\$1,195,020 17	



## ESTIMATED DISBURSEMENTS.

	From Oct. 1, 1852, to Sept. 30, 1853.	From Oct'r 1, 1853, to Sep. 30, '54.
General assembly—Pay and expenses of the senate and house of delegates, . . . . .	132000 00	132000 00
Expenses of representation—For expense of comparing polls in elections, . . . . .	1500 00	500 00
Officers of government—For payment of salaries to, . . . . .	100000 00	100000 00
Criminal charges—For arrests, support of criminals, attendance of witnesses, &c. . . . .	50000 00	50000 00
Slaves condemned—In payment for slaves sentenced to death or transportation, . . . . .	15000 00	15000 00
Penitentiary-house expenses—For supplies for convicts and transports, . . . . .	4000 00	4000 00
Penitentiary criminal charges—Expenses in conveying convicts to, . . . . .	6000 00	6000 00
Penitentiary officers' salaries—To superintendent and other officers, . . . . .	7500 00	7500 00
Records of the court of appeals—For printing, . . . . .	5000 00	5000 00
Contingent expenses of courts—Services of attorneys and other officers, fuel, stationery, &c. . . . .	32000 00	32000 00
Militia—Pay of adjutants, clerks and other officers, musicians, musical instruments, &c. . . . .	18000 00	18000 00
Officers of militia—Pay of adjutant general, . . . . .	100 00	100 00
Military contingent—Expenses of visitors to the military institute, &c. . . . .	3500 00	3500 00
Virginia military institute—For support, . . . . .	7710 00	7710 00
Public guard—For pay, rations, clothing, &c. . . . .	23000 00	23000 00
Manufactory of arms—For water rent, . . . . .	1280 00	1280 00
Repairs of the armory—For sundries, . . . . .	500 00	500 00
Repairs of arms—Pay of artificers and officers superintending them, . . . . .	4000 00	4000 00
Transportation of arms—Expenses attending the collection and transporting, . . . . .	350 00	350 00
Commissioners of the revenue—For pay of commissioners, assistants and clerks, (note 1,) . . . . .	44500 00	51540 00
Lunatic asylum at Staunton—For support, . . . . .	35000 00	35000 00
Do. at Williamsburg—For support, . . . . .	30000 00	30000 00
Do. do. For out buildings, &c. . . . .	2500 00	4500 00
Lunatic asylums—For the expense of conveying patients thereto, . . . . .	7000 00	7000 00
Lunatics—For their maintenance in jails, &c. . . . .	1500 00	1500 00
Deaf and dumb and the blind—For annuity, . . . . .	20000 00	20000 00
Do. do. For heating, lighting, &c. . . . .	10000 00	10000 00
Pensioner—One surviving, . . . . .	160 00	160 00
Contingent fund—For expenses by order of the executive, . . . . .	30000 00	30000 00
Civil prosecutions—Sundry expenses in civil suits, . . . . .	500 00	500 00
For printing Grattan's Reports—Eighth and ninth volumes, . . . . .	1604 40	1604 40
To the vaccine agent at Richmond—Annual allowance, . . . . .	500 00	500 00
International exchanges—For expense attending, . . . . .	100 00	100 00
Public ware-houses—Services of commissioners, &c. . . . .	300 00	300 00
Public roads, . . . . .	5000 00	
Virginia volunteers, . . . . .	1000 00	500 00
To commissioners of the revenue—For assessing free negroes, . . . . .	100 00	100 00
For transportation of free negroes to Liberia, . . . . .	6000 00	6000 00
To electors of president—For pay and mileage, . . . . .	1050 00	
Washington monument, . . . . .	25000 00	15000 00

	From Oct. 1, 1852, to Sept. 30, 1853.	From Oct. 1, 1853, to Sep. 30, '54.
Literary fund—One moiety for the estimated net availa. of the tax on free white males, -	28000 00	28000 00
For annual interest on \$24,039 17, old military 6 per cent. debt held by the Board of the Literary fund, - 1,442 35		
For annual interest on \$319,000 of 7 per cent. debt held by the Board of the Literary fund, - 22,330 00	23772 35	23772 35
Interest on public debt—For annual interest on \$450,107, 6 per cent. debt created by further subscriptions to the Exchange Bank and Northwestern Bank, -	27006 42	27006 42
Appropriation to pay a judgment in favor of Z. Kidwell, - 1904 04		
Board of public works—To supply deficiency of the resources of the Board of public works, to enable it to pay January and July 1853 interest, (note 2,) -	593318 05	
The deficiency of the resources of the Board of public works to pay the January and July 1854 interest, after deducting from the aggregate estimated interest, i. e. \$1,004,231, the probable resources of that board for that year, applicable to the payment of interest, i. e. \$252,174 04, will probably be, (note 3,) -	-	752056 96
Sinking fund—To the extinguishment of the public debt existing on the first of January 1852, seven per cent. less the annual interest payable on \$11,971,838 80, - 127,824 90		
One per cent. on the public debt contracted between the 1st day of January 1852, and the 1st January 1853, say on \$2,962,687, - 29,626 87	157451 77	157451 77
One per cent. on supposed increase of the public debt between the 1st January 1853, and the 1st January 1854, say \$2,137,890, (see note 3 above,) -	-	21378 90
	\$1464707 03	\$1634410 80
Balance in the treasury—Commonwealth's funds, 1st October 1852, -		30,474 02
Aggregate receipts for the fiscal years 1852-53, and 1853-54, exclusive of the receipts of the Board of public works, -		3,038,300 37
		3,068,774 39
Aggregate disbursements for the fiscal years 1852-53, and 1853-54, exclusive of the disbursements by the Board of public works of its own resources, -		3,099,117 83
Estimated deficiency on the first of October 1854, -		30,343 44
To which add one moiety of the estimated net avails of the capitation tax, if the entire amount of that tax shall be by law appropriated to the purposes of education, -		28,000 00

RO. JOHNSTON,  
*Auditor of Public Accounts.*

*Auditor's Office, March 18, 1853.*



*Notes to Table of Estimated Disbursements.*

<b>Note 1.—</b> Deficiency of expenditure under this head in 1851-2, which will be paid in 1852-3,	18,500 00
For assistant commissioners of the revenue in 1852, payable in 1852-3,	7,500 00
Increased compensation to commissioners of the revenue for services performed in 1852, (by bill now pending,)	8,500 00
Partial payment, in 1852-3, for services of commissioners, &c. in 1853,	10,000 00
<b>Amount which will probably be paid to commissioners, &amp;c. in the fiscal years 1852-3,</b>	<b>\$ 44,500 00</b>

1853-4:

Former expenditure for services of commissioners revenue, &c.	33,000 00
Less amount which may be paid in 1852-3 for services in 1853,	10,000 00
	23,000 00
Increased compensation, under act now pending before general assembly, for 1853.	8,500 00
This amount of the expense of this branch of the public service, which may be paid in the fiscal year 1853-4, for services rendered in 1854,	20,000 00
Probable am't disbursements to com'rs rev., &c. during the fiscal year 1853-4,	\$ 51,500 00

*Note 2.—Future probable Receipts, to 1st October 1853, of the Board of Public Works, applicable to payment of Interest.*

From bank dividends,	46,317 50
bonus from banks,	25,521 00
annuity from Winchester and Potomac railroad,	5,000 00
Richmond, Fredericksh'g and Potomac r'd—May dividend,	9,632 00
July interest,	2,476 80
	12,108 80
interest on \$ 4,500 guaranteed bonds,	135 00
James river and Kanawha co. on account of interest, viz:	
July interest on loans to said company,	55,080 00
July annuity on account of old James river company,	10,500 00
	65,580 00
loan to trustees of the town of Bath,	150 00
Petersburg railroad company, on account of interest,	916 20
284 shares of old James river company stock, at \$15 per share,	4,260 00
	159,988 50
<b>Off charges, viz: Expenses \$1,500; interest 1st July to Literary fund \$ 23,241 02; dividends to old James river company stockholders \$10,500,</b>	<b>35,241 02</b>
<b>Net resources 1st October 1853,</b>	<b>\$ 124,746 48</b>

To be deducted from the aggregate of the following sums, viz:

Warrants issued, to the orders of the Board of public works, to be applied towards the payment of interest on public debt,	198,563 58
Warrants to be issued to ditto for ditto, due 1st January 1853,	66,761 96
Ditto, ditto, ditto, due 1st July 1853, per estimate in subsequent note, - - :	452,738 99
	<u>718,064 53</u>
	<u>\$ 593,318 05</u>

<b>Note 3.—Internal improvement debt, held by others than the state, on the</b>			
1st of January 1853,	-	-	14,484,418 30
Increase in January and February 1853,	-	-	637,890 00
Debt on the 1st of March,	-	-	15,122,308 30
Estimated increase, excluding loans to internal improvement companies, authorized the present session, &c.	-	-	500,000 00
Outstanding internal improvement debt will be, on 1st July 1853,			<u>\$15,622,308 30</u>
Estimated interest on the debt of 1st July 1853,	-	-	<u>\$ 452,738 99</u>
Internal improvement debt 1st July 1853,	-	-	15,622,308 30
Estimated increase in six months to 1st January 1854,	-	-	1,000,000 00
Debt will be on 1st January 1854,	-	-	<u>\$16,622,308 30</u>
Estimated interest on the above debt 1st January 1854,	-	-	<u>\$ 494,616 00</u>
Internal improvement debt 1st January 1854,	-	-	16,622,308 30
Estimated increase in six months to 1st July 1854,	-	-	1,500,000 00
Debt will be on 1st July 1854,	-	-	<u>\$18,122,308 30</u>
Estimated interest on the above will be on 1st July 1854,	-	-	<u>\$ 509,615 00</u>

*Probable Receipts to 1st October 1854, of the Board of Public Works, applicable to payment of Interest of 1854.*

<b>From banks, on account of dividends and bonus one year,</b>	-	-	143,677 00
Richmond, Frederickb'g and Potomac r'd—one year's dividend,	-	-	19,264 00
one year's int. on \$82,560,	-	-	4,953 60
Virginia Central railroad company—one year's interest on \$40,680,	-	-	2,440 80
Winchester and Potomac railroad—annuity of August 1854,	-	-	5,000 00
Interest on \$4,500, guaranteed bonds, one year,	-	-	270 00
Interest on \$15,270, debt of Petersburg railroad company, one year,	-	-	916 20
Interest on \$33,408 from Richmond and Petersburg railroad, (Jan.)	-	-	2,004 48
Dividends from other joint stock companies, (estimated,)	-	-	15,000 00
Interest on loan to town of Bath, (one year,)	-	-	150 00
Interest and annuity from James river and Kanawha co. for one year,	-	-	123,960 00
Dividends one year on 284 shares of old James river company stock,	-	-	8,520 00
			<hr/>
			326,156 08
<b>Off charges: Office expenses \$5,000; pay of proxies to James river and Kanawha company \$500; interest one year to Literary fund \$46,482 04; one year's dividend to old James river company stockholders \$21,000,</b>	-	-	73,982 04
			<hr/>
Net 1st October 1854,	-	-	252,174 04
January 1854 interest,	-	-	494,616 00
July 1854 interest,	-	-	509,615 00
			<hr/>
			1,004,231 00
			<hr/>
			<u>\$ 752,056 96</u>



OFFICE OF THE J. R. &amp; K. Co.

March 19, 1853.

DEAR SIR,

Your favor of this day's date, enquiring into the probable means of the James river and Kanawha company to make payments into the state treasury prior to the 1st day of October 1854, is received, and I hasten to reply. Relying on tolls for revenue, almost exclusively, you will, of course, understand that any estimate of the future ability of the company to apply its income to the reduction of its debts or to dividends to stockholders is conjectural, and wholly dependent on the future condition of its business.

The first obligation of the company is to apply its revenues to the repair of its works, the management and administration of its affairs; the second is to pay the interest of its debt: a part of this debt is due to the state, and for the interest and principal of much the larger portion the state is bound to bondholders. If the revenues of the company shall so improve as to produce a surplus, the question will arise, to be decided by the stockholders, whether such surplus shall be applied to declared dividends to the stockholders, to the extension of its works of improvement, or to form a sinking fund for the gradual extinguishment of the principal of the debt.

1. There will be some difficulty in paying the interest to fall due on the first day of July next, but I believe it will not be necessary to call on the state to aid the company to do that. I feel confident that the company will be able punctually to meet future installments of interest as they fall due. Of this I have no doubt, if the Tidewater connection can be completed without interruption of the work for want of funds to finish it. The revenue expected from this work, if completed, is estimated at fifty thousand dollars per annum. Payments, therefore, may be expected from the company of interest on the company's several debts due to the state, as they fall semi-annually due.

2. After paying costs of administration and repairs, and interest on the large debt of the company, I believe that, on the completion of the Tidewater connection, there will be a surplus, and, in my opinion, the best interests of the company, as well as the true meaning of the mortgage incumbrances given to the state, will require that the surplus shall form a sinking fund, to be applied to the payment of the principal of its debt. If my hopes of the increase of the company's business and revenue shall be realized, this system may be put in operation on the 1st of October 1854; but the amount of surplus, then to be expected, will probably be inconsiderable, though annually increasing.

Under these circumstances, which I will not state more in detail, or attempt to explain, in this communication, the reasons on which my expectations are founded, I cannot say that any payment can be calculated on, from the James river and Kanawha company, either on account of the principal of its debt or of dividends to the state as a stockholder, within the period indicated in your letter.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. Y. MASON, Pres't

J. R. &amp; K. Co.

ROBERT JOHNSTON, Esq.,

*Auditor of Public Accounts.*



[DOC. No. LXXVII.]

# JOINT STATEMENT

MADE BY THE

FIRST AND SECOND AUDITORS

RELATIVE TO THE

DEBT OF THE STATE OF VIRGINIA.

1852-3.





## JOINT STATEMENT.

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RICHMOND, MARCH 30, 1858.

SIR,

In answer to the resolution adopted by the house of delegates on the 25th day of this month, we herewith send joint statements containing the information called for by said resolution. That resolution is as follows:

"Resolved, that the first and second auditors furnish to this house a joint statement of the public debt, after crediting the commonwealth with the amount of debts actually guaranteed, on which the guaranteed parties have hitherto punctually paid the interest and are likely so to do hereafter, and with the further amount of appropriations actually made but not likely to be called for; distinguishing such appropriations as have been made contingent upon the subscription by private individuals or corporations of two-thirds of the amount of such appropriations, and excluding from said statement the amount of the Literary fund."

It will be seen that we have ascertained the actual outstanding debt of the commonwealth on the 25th inst. to be \$15,972,415 30, of which sum, raised by the sale of state bonds, there was cash on hand, to the credit of the Board of public works on that day, \$206,193 20; also the sum of \$73,577 68 due from the commonwealth proper to the said board, for payments made by the Board of public works on account of interest. This sum can be called for, and will be paid, whenever the condition of the loan fund shall require it. The actual outstanding debt, therefore, less the amount of the loan fund on hand, is \$15,692,644 42.

In estimating the existing debt, we have excluded the certificates of debt of this state held by the Board of public works and Board of the Literary fund; these being corporations composed of certain officers of government, holding said stocks in trust for the commonwealth, the redemption of which is not in contemplation.

We have also excluded from the above computation the amount of the bonds, of certain corporations, guaranteed by the state. In our opinion, the state is amply secured from loss on account of these guarantees, by mortgages upon the property of these corporations, and by other securities. Certainly, as yet, these bonds have not become a part of the debt of the state, and in our opinion cannot properly be estimated as such.

Nor have we taken into this account subscriptions actually made by authority of law, but not paid, to the capital stock of internal improvement companies. Certificates of debt have not been issued and sold to raise the money with which

to pay these subscriptions; this will be done whenever the private stockholders shall have paid into the treasuries of these companies the equivalent amounts which they are bound, by the laws authorizing said subscriptions, to pay before the state can be required to pay her proportions.

Much less have we included in the above amount of debt, subscriptions to the capital stock of joint stock companies, authorized but not made or paid. The Board of public works is authorized, upon the happening of certain contingencies, to make and pay these subscriptions. These contingencies are various in their character, and, in some instances if possible, are very remote. Generally, however, these subscriptions are to be made when subscriptions of certain portions of the capital stock of the companies are made by individuals and corporations other than the commonwealth, and are payable by the state upon the payment of private subscriptions in proportionate amounts.

We have not deducted from the gross amount of existing debt the sum of \$328,400, the amount of the temporary loan made by the Board of public works to the general treasury. This money was raised by an issue of state bonds sold to individuals, and of course the amount of these bonds constitutes a part of the sum of \$15,972,415 30 above mentioned. There is some uncertainty, owing to proposed action of the general assembly, about the repayment of said temporary loan to the Board of public works by the general treasury: should said sum be repaid, it will lessen the amount of money hereafter to be raised to meet liabilities of the loan fund; and whether paid or not to the Board of public works, the debt of the state, existing on the 25th day of March 1853, will neither be increased nor diminished thereby.

The productive stocks held by the commonwealth proper, we have supposed, amount to \$8,011,668 66. In estimating the amount of the productive stocks, the difficulty of valuing them aright is obvious. They have a par value, a market value, and an equated value. By *equated value* we mean that amount which at six per cent. would yield the revenue of these stocks. The par value of all the stocks held by the commonwealth is much greater at present than the market value thereof, the works of the companies in which the commonwealth holds the greater part of these stocks being in an unfinished condition. So the market value of the stocks owned by the state, is greater than the equated value thereof. We have adopted in our estimate the equated value of the productive stocks.

The loans heretofore actually made by the state to various corporations, including the James river and Kanawha company, on which the interest has been usually paid by the debtors, are included in the amount of productive stocks. These loans are deemed to be amply secured.

We have not brought into our estimate of productive stocks those held by the Board of the Literary fund, understanding the resolution aforesaid as directing us not to do so; nor have we included in said estimate of productive stocks those held by the commonwealth proper in internal improvement companies, the works of which, at this time, are either finished or incomplete, and which now pay no dividends. It is confidently believed, however, that the time is not far distant when much the largest amount of these stocks will pay handsome dividends. These stocks amount to \$12,965,450 18, and are principally held in railroads, which are now reaching the most populous and wealthy portions of the commonwealth, and from our advantageous position will soon successfully compete for the trade and travel of the great West and Southwest.

The existing debt, therefore, on the 25th day of this month, after deducting the amount of productive stocks, and the cash on hand as aforementioned, is \$7,680,975 76. The debt existing on the 25th instant will, in a few years, be increased, under laws in force on said day, \$3,228,664 06. This sum consists of loans authorized to be made to certain railroad companies, that have complied with the conditions upon which such loans were directed to be made, and direct appropriations to works of internal improvement. The above amount will undoubtedly be loaned and disbursed.

The contingent liabilities of the state amount to \$8,626,073 36. The greater proportion of this amount will eventually be added to the amount of the public debt. This sum consists of unpaid balances of subscriptions made by the commonwealth to the capital of joint stock companies, under laws passed prior to the 30th of September 1852; of subscriptions authorized but not made under laws in force on said day, and still in force; of loans authorized to be made to railroad and canal companies, under laws passed prior to the 25th instant, said companies not having as yet complied with the condition upon which said loans were directed; and of subscriptions authorized, but not yet made, to joint stock companies, at the present adjourned session of the general assembly up to the 25th of March 1853.

We have not undertaken to estimate the amount by which the public debt will be increased upon the happening of the contingencies on which the above contingent liabilities will become a portion of the public debt of the state. These contingencies range from almost moral certainties to remote possibilities, and are incapable of being estimated, with any certainty, especially by us now, as we have had access to but few of the laws authorizing these loans and subscriptions, many of them not having been printed, or to the present time even enrolled. We are indebted to the clerk of the house of delegates for the amount of the authorized loans, direct appropriations and subscriptions directed at this session.

We have not mentioned in the above estimate of contingent liabilities any part of the bonds guaranteed by the state. Absolute loss on account of these guarantees, the state being secured by mortgages and otherwise, is not to be anticipated in the present condition of the guaranteed companies. On some of these bonds the state has paid, and may occasionally expect to pay, the interest. All of said guaranteed bonds amount to \$3,906,874, and on \$1,146,874 of that amount the interest has hitherto been punctually paid by the original obligors; and it is believed that the interest and principal of these bonds, amounting to \$3,406,874, will hereafter be punctually paid by the companies. We do not wish to be understood as expressing an opinion that the interest and principal of any part of the bonds which the state has guaranteed will not be paid by the obligors. On the contrary, from information received, there is some reason to believe that the commonwealth in the future will incur no further trouble by reason of said guarantees, and the interest which she has paid will be returned.

Believing that we are instructed by the resolution aforesaid to do so, we have included the sum of \$3,040,000, the amount of the loans authorized, up to the 25th inst., by the present adjourned session of the general assembly to be made to certain internal improvement companies, in our estimates of the future increase of debt and of the contingent liabilities. The payment of the semi-annual interest thereon to the state, and of the one-half of one per cent. semi-annually, to

be invested, as a sinking fund, for the redemption, at the end of thirty-four years, of the amount of the debt contracted by these companies with the state on account of said loans, is secured by deeds of trust on the property and net proceeds of tolls of the companies to which said loans are to be made.

The account, therefore, to sum up, stands thus:

Actual existing debt on the 25th instant,	-	-	15,972,415 30
Deduct cash on hand and in the general treasury aforesaid, (statement A,)	-	-	279,770 88
Amount of productive stocks,	-	-	8,011,668 66
			<hr/> 8,291,439 54
Debt on the day assumed, less productive stocks,	-	-	7,680,975 76
To which add future debt, (statement C,)	-	-	3,228,664 06
Also contingent liabilities, " "	-	-	8,626,073 36
			<hr/> 11,854,737 42
			<hr/> <hr/> \$19,535,713 18.

Under laws in existence on the day upon which we were called to make this report, the debt of the commonwealth may hereafter amount, after deducting the amount of cash on hand and of the productive stocks held by the state on the 25th instant, to the sum of \$19,535,713 18 cents; but it is confidently expected and believed that it will not reach that sum, and that the amount of the productive stocks, to obtain which the great proportion of this debt may be incurred, will increase in a greater ratio than the debt itself.

Thus much we have deemed it necessary to say in explanation of the statements which we have the honor to transmit.

Respectfully submitted.

RO. JOHNSTON,  
*Aud. P. Acc'ts.*

WM. L. JACKSON,  
*Second Auditor.*

MOR. O. M. CRUTCHFIELD,  
*Speaker of the House of Delegates.*





## A.

## STATEMENT

*Of the actual Outstanding Debt on the 25th day of March 1853, from which there is deducted the amount of Productive Stocks held by the Commonwealth, and the amount of Cash on hand applicable to the payment of Subscriptions, &c. to Works of Internal Improvement.*

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Actual outstanding debt, consisting of certificates and bonds issued and unredeemed in the hands of the public,	-	-	15,972,415 30
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Deduct amount of productive stock in banks:

Railroads, turnpike and navigation companies, \$ 6,556,175 66,	-	-	7,851,668 66
producing a revenue of 6 per cent. upon	-	-	160,000 00
And loan to Southside railroad,	-	-	8,011,668 66

Also amount due from the commonwealth on account of interest payments now in the general treasury, which can be called for when needed,	-	-	73,577 68
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Cash on hand on the morning of the 25th,	-	-	206,193 20
			<u>8,291,439 54</u>
			<u>\$ 7,680,975 76</u>

E. E.





## B.

## STATEMENT

*Of the amount of Debts actually guaranteed by the Commonwealth, with the amount on which the guaranteed parties have hitherto actually paid the interest, and the amount on which the interest will likely be paid hereafter.*

NAMES OF CORPORATIONS AND COMPANIES.	Whole amount of Guarantees.	Guarant'd Bonds, the interest on which has been hithert. paid by the parties.	Guarant'd Bonds, the interest on which the State has been called on to pay.	Bonds on which the guaranteed parties will probably pay the int't hereafter.
Bonds of the city of Petersburg, -	323500	323500	-	323500
Valley turnpike company, -	8374	8374	-	8374
Va. Central railroad co. -	100000	100000	-	100000
Richm'd and Danville r'd co. -	200000	200000	-	200000
City of Wheeling, -	500000	500000	-	500000
Alexandria canal company, -	15000	15000	-	15000
Chesap'ke and Ohio canal co. -	500000	-	500000	-
Jas. river and Ka. canal co. -	2260000	-	2260000	2260000
	\$ 3906874	1146874	2760000	3406874

E. E.



C.

FUTURE DEBT.

Amount of loans authorized by the acts of the present session to be made to railroads, &c. that have complied with the law :

To Southside railroad,	-	-	800,000 00	
Virginia and Tennessee railroad,	-	-	1,000,000 00	
			<u>1,800,000 00</u>	
Deduct amount already paid,	-	-	160,000 00	
			<u>1,640,000 00</u>	
Direct appropriations to works of internal improvement, under laws prior to 30th of September,	-	-	-	129,955 80
Direct appropriations during present session,	-	-	1,475,500 00	
Deduct amounts paid,	-	-	<u>16,791 74</u>	
				<u>1,458,708 26</u>
				<u>3,228,664 06</u>

CONTINGENT LIABILITIES.

Balance subscript'ns made under laws prior to Sep. 30, '52,	1,467,018 36	
Subscriptions authorized and not made, under laws prior to September 30, 1852,	-	215,260 00
Balance of loans authorized to be made to companies during the present session, not included in the above,	-	1,400,000 00
Subscriptions authorized to be made to joint stock companies during the present session, to March 25, 1853,	-	5,707,295 00
Deduct amounts paid,	-	<u>163,500 00</u>
	<u>5,543,795 00</u>	
		<u>8,626,073 36</u>
		<u>\$11,854,737 42</u>

E. E.



## D.

## STATEMENT

*Of authorized Subscriptions to Companies of whose organization no information was received prior to the present Adjourned Session of the General Assembly.*

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Bridge across James river in Botetourt,	-	-	-	3,600
Bridge across New river in Giles county,	-	-	-	7,200
Kempsville canal company,	-	-	-	7,200
James river and Clover Hill plankroad company,	-	-	-	18,000
Providence branch plankroad company,	-	-	-	4,000
Buford's Gap and Buchanan turnpike company,	-	-	-	6,000
Union Hall turnpike company,	-	-	-	10,800
Walker's creek and Holston turnpike company,	-	-	-	15,600
Tazewell court-house and Saltville turnpike company,	-	-	-	12,000
Martin's creek road company,	-	-	-	2,040
Stone mountain free road company,	-	-	-	1,200
Hazel river turnpike company,	-	-	-	9,600
Harrisonburg and Franklin turnpike company,	-	-	-	12,000
Jefferson and Frederick turnpike company,	-	-	-	6,000
Hardy and Randolph turnpike company,	-	-	-	18,000
Staunton and North river gap turnpike company,	-	-	-	15,000
Road from the Hot springs to Clifton,	-	-	-	3,600
Fayette and Blue Sulphur springs turnpike company,	-	-	-	12,000
Mud river and Valley turnpike company,	-	-	-	1,800
West Union turnpike company,	-	-	-	7,200
Weston and West Union turnpike company,	-	-	-	8,400
Reedy and Harrisville turnpike company,	-	-	-	7,200
Simpson's creek turnpike company,	-	-	-	4,200
Ritchie and Gilmer turnpike company,	-	-	-	9,000
Centreville and St. Mary's turnpike company,	-	-	-	5,040
Holliday's Cove and New Cumberland turnpike company,	-	-	-	2,400
Fish creek bridge company,	-	-	-	2,100
Road from Wyoming courthouse to the Bluffs,	-	-	-	3,000
Blackwater turnpike across the Alleghany,	-	-	-	1,080

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**\$ 215,260**


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E. E.



[ DOC. No. LXXVIII.]

# MAJORITY REPORT

OF THE

**SPECIAL COMMITTEE**

ON THE SUBJECT OF THE

# BALTIMORE AND OHIO RAILROAD.

1852-3.





## REPORT.

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The committee to whom was referred the petition of citizens of Alexandria and adjoining counties, asking the legislature "to take proper steps to test the validity of the charter granted to the Baltimore and Ohio railroad company in 1847;" also, a resolution of enquiry into the general conduct and administration of the Baltimore and Ohio railroad company within the limits of this state, offered by Mr. Allen of Hampshire, have had the same under consideration, and beg leave to report that they have not had time to investigate the subjects referred to them fully or satisfactorily, and the testimony taken before them has been taken without notice to the Baltimore and Ohio railroad company. For these reasons, as well as because the questions arising are of great interest and some difficulty, the committee have not thought proper to pronounce any definite opinion, and prefer that the matters referred to them shall be more deliberately and maturely considered by a succeeding general assembly. They therefore communicate herewith the evidence taken before them, and recommend the adoption of the following resolution :

Resolved, that the commissioners of public works be instructed to receive and collect all the information touching the administration of the Baltimore and Ohio railroad within this commonwealth, in regard to the rates charged from different points of the said road, and generally to enquire whether, in the management of said road, unequal burthens are imposed on the citizens of this state, and that the said commissioners be required to report their conclusions to the next general assembly, with suggestions of such remedy (if any be needed) as the evils may require.

JNO. M. SPEED,  
CH. W. RUSSELL,  
J. J. JACKSON,  
JOSEPH R. ANDERSON,  
THOS. WALLACE.



[DOC. No. LXXVIII.]

MINORITY REPORT

OF THE

**SPECIAL COMMITTEE**

ON THE SUBJECT OF THE

BALTIMORE AND OHIO RAILROAD.

1852-3.



## REPORT.

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The select committee to whom was referred the petition of the citizens of Alexandria and the adjoining counties, asking the legislature "*to take proper steps to test the validity of the charter granted to the Baltimore and Ohio railroad company in 1847,*" have had the same under consideration, and beg leave to report :

The subject of this petition has attracted a large share of public attention, as well from the magnitude of the interests involved as from questions of character and public morals, supposed by many to be implicated in the enquiry. The committee have deemed it within the scope of their charge to collect all the facts connected with the procurement of the said charter of 1847, and to exhibit at large all the history and circumstances of the agency established by said company to procure said grant. It is gratifying to find that the vague surmises in regard to the nature of this agency, and of the sinister means and appliances through which its purposes were to be worked out, have proved entirely groundless, and that nothing, either in the end proposed or in the means used, can reflect on the purity of the legislature which made that grant, or does impeach the integrity of the parties who conducted the said agency.

The complaints from the city of Alexandria and the adjoining counties embrace charges against the Baltimore and Ohio railroad company, which, if sustained by competent and sufficient testimony, would authorize the legislature to place the subject in a course of judicial investigation, with the purpose of rescinding the charter of 1847. But even if the charge of fraud and imposition in procuring this grant can be fully and judicially established, it is a question of sound discretion whether the paramount interests of the state require that this charter should be rescinded, and that the arm of justice should be invoked at the instance of the legislature.

The petitioners claim not only that this grant of 1847 was obtained by fraud, but that it was improvident of the interests of Virginia citizens, Virginia improvements, and of the commerce of Virginia cities. If such have been the results of this grant, or if such results may be seriously apprehended in future from its practical operation, and circumstances have placed this grant within the control of the legislature, so that in their discretion they may lawfully and honorably accomplish the wishes of the petitioners, it will be the undoubted duty of the legislature to exert their power for the correction of such great public evils. It has therefore been the first duty of the committee to examine the practical working of this grant of 1847 in relation to these high interests.

Under the proviso to the sixth section of this grant of 1847, power is given to the Baltimore company to charge, on freight and travel striking the road at Harpers Ferry, or points west of Harpers Ferry, and coming east, the maximum rates per mile authorized by the charter, provided such charge shall not exceed in the aggregate the charge for similar service from Wheeling to Baltimore. The only qualification of this power is, that charges from any of such points shall not exceed the charges from points farther west. In regard to travel or freight striking at Harpers Ferry, or any point west thereof, and destined to the west—and in regard to all trade and travel coming upon the road and destined to points whether east or west, but short of Baltimore or of Wheeling—there is no limitation of charge, except it be found in the maximum toll authorized by the charter. The effect, not the language of the proviso, is intended to be given.

Under the practical working of this power, the company may charge, from Harpers Ferry to Baltimore, or from points west of Harpers Ferry to Baltimore, the same freight that they charge from Wheeling to Baltimore—and vice versa. The charges upon intermediate and local intercourse on the road being limited only by the maximum allowed, may exceed the charge from one extreme to the other. The charge from Threefork to Frederick City, for example, or from Fairmont to Harpers Ferry, may be greater under this charter than the charge from Wheeling to Baltimore. Practically speaking, there is no limitation upon the charges the company may impose on the intermediate localities that depend on the road for their outlet.

Under the working of this grant, charges from Cumberland to the Ohio river, or from the Ohio river to Cumberland, may exceed the charges to or from Baltimore to the Ohio river. Tonnage to be sent from Alexandria to Wheeling would naturally take the Chesapeake and Ohio canal to Cumberland, and thence on the Baltimore road to Wheeling; but this power of discriminating on the line of the road may be exercised so as actually to make it the interest of the parties to send their merchandize to Baltimore, and at a loss of 240 miles in distance, to freight it thence to the West.

This latitude of the grant, it appears to the committee, may work unequal, odious and oppressive discriminations on the industry and labor of a large portion of the state bordering on this road for three hundred miles. This vast and fruitful region, under this broad grant of 1847, is thrown in tributary dependence, and now lies practically unprotected against the capricious exactions of this foreign corporation.

In tracing the consequences probably to flow from the unguarded character of this grant, the committee look forward to a time, not very remote, when the competition between Baltimore and other Atlantic cities for the trade of the West and South will override all considerations of profit to be derived from this road as stock, and will open that broad thoroughfare to the through trade and travel, at the lowest charge compatible with its existence. In such a case as this, the localities between the termini will be exposed to exactions and oppressions, limited only by the maximum charged on the whole length of the road. And thus, from the energies of the grant of 1847, that fruitful and enterprising portion of our

state, extending from Harpers Ferry to the Ohio river, may become the oppressed but potent instrumentality of Baltimore ascendancy in strong and unequal rivalry even with our own Chesapeake cities.

Whilst our cities may thus be made to languish under this improvident grant, its effects on the destiny of our lines of improvement, which aim to connect those cities with the valley of the Mississippi, can be readily perceived. Each of these great lines, now in progress, has for its ultimate design a purpose common to all the rest. Each and all have been projected to do the portorage of that great valley, and tempt its commerce to the eastern terminus of the respective roads. Rivals in pursuit of one common purpose, each road is dependent for success in the chase upon its greater advantages, either natural or artificial. These roads are but the instruments of this commerce, and will be made to bend to its exigencies.

The Baltimore road, built in great measure by Baltimore contributions, owned, it may be said, and controlled by Baltimore merchants, will wage this contest with great advantages over all Virginia improvements. The attractions of Baltimore, in its greater capital, its established commercial relations and its large shipping interests, must give commanding preference to her port, whilst the directory of the Baltimore road, looking to the enlarged commerce of the city for remuneration, will, as has been said, reduce the cost of all through intercourse on that road to the lowest living rates.

It is at this stage of the rivalry that Virginia roads will be made to feel the baneful energies of this grant of 1847. The general railroad law of this state, applicable to our Virginia roads, has properly and most justly restricted them, and thus protected intermediate localities from unequal imposition. The grant made to Baltimore in 1847 is encumbered with no such salutary provisions. Our citizens on the line of that road have been left within the maximum charge authorized for freight and travel to the rapacious caprice of foreign merchants, and our own cities and our own roads have been exposed to a disastrous rivalry, on unequal and disadvantageous terms.

The petition from Alexandria complains of this grant to Baltimore of 1847, that it was obtained by fraud, and therefore should not be binding on Virginia. This legislature is asked to take proper steps to rescind the said charter, and thus free the injured citizens of our state from its obligations, *provided it may legally and honorably be done*. Whilst the committee would deplore to see the charter of this road exacted, and this vast investment of private fortunes and public money confiscated, yet if the allegations of the petitioners are sustained by evidence, and this grant may legally and honorably be rescinded, it will be competent to the legislature, without exacting a full forfeiture, to renew and confirm the grant, after engrafting upon it terms of fair and just protection to the interests and rights of our own citizens.

Impressed with the importance of the enquiry under their charge, the committee have carefully collected the evidence which tends to disclose the manner and means by which this grant of 1847 was obtained by the Baltimore company from the legislature of Virginia. They took the evidence of A. J. Marshall, who was the agent and attorney of said company on that occasion, also the testimony of Col. John Walden and Joseph Segar, who were acting in concert

with Mr. Marshall in his said agency. There was also submitted to the committee, by Mr. Marshall, four letters written by the honorable Lewis McLane, then president of said company, and by him transmitted to Mr. Marshall, to be used before the legislature in advocacy of the application. These depositions and these letters are herewith returned as part of this report.

In consequence of the late period of the session at which this petition from Alexandria was referred, and the great press of other important subjects before the house, the committee have not had time to make as thorough an investigation as justice to the great interests involved required. From the same cause (want of time) the petitioners have not been enabled to possess the committee, by strict legal evidence, of the strength of their case. Some facts of a public nature, belonging to the current history of the times, and thus known to members of the committee, have been received on this examination without strict legal proof, because believed to be susceptible of such proof if time allowed. Of this nature is the legislation of Pennsylvania in regard to the Connellsville charter, explained in the deposition of A. J. Marshall; also, the defence set up by the company, and explained in same deposition. If time be given the petitioners until the next term of the legislature, it is said they will then be prepared to exhibit, by fullest evidence, proofs of all their charges.

The petitioners claim for this evidence (imperfect *now* they admit it to be) that it is strongly persuasive to prove the existence of a conspiracy in 1847 between parties connected with the Baltimore and Ohio railroad company, having for its object a gross imposture upon the Virginia legislature. Looking back upon the entire history of the long and arduous struggle for the right of way, the petitioners contend that the *res gesta*, taken in one comprehensive connection, will establish a conviction that the grant of 1847 was the rich prize which the Baltimore and Ohio railroad company played for, and won from the Virginia legislature, by a bold and masterly game of fraud and deception. Years of open and manly effort to achieve, by fair argument and truthful statements of facts, the charter they so earnestly needed, had proved to be years of disappointed hopes, in which the grasping views of Baltimore were defeated, and the highest interests of our own citizens were carefully guarded. Finding—as long as the policy of Pennsylvania remained fixed and of notorious public history, known to Virginia and the world—that the desired grant would forever be rejected, the Baltimore company boldly conspired to change this policy, or rather to impose upon the Virginia legislature the appearance and show of a change in this policy, not substantial and bona fide, but merely specious and artificial, and by a shameless forgery upon the legislation of a sister state to dupe the legislature of this state into a compliance with their selfish views. The very boldness of the conception, and the magnificent scale of the contemplated fraud, requiring that cities and sovereign states should be used as instruments to work out their sinister designs, gave safety to the operators and assurance of success.

This elevated game was conducted on a scale of agency proportioned to the grandeur of its conception. In the winter of 1847 the company established an agency before the Virginia legislature upon the enormous contingent compensation of fifty thousand dollars. This agency, composed of men of influence and intelligence, selected from various quarters of the state, and having access to the



confidence of the various sectional interests in the legislature, stimulated by the large reward made contingent on the success of their exertions, were made the ministers of the company to impose the false representation of facts, without which it was well known Virginia could not be seduced to forego the interests of her own people. This agency, themselves deceived by the company, were made the active instruments of this enormous imposition.

The petitioners contend that the Baltimore company are estopped to deny their own fraudulent intent in establishing this agency, under which this grant of 1847 was obtained, because, with a fatuity often the attendant of crime, the company have solemnly admitted, on the records of a court of justice, that they had established this agency against the public policy and in fraud of the laws of the country. Thus will two vital points of a prosecution to rescind this charter be readily established: *first*, a conspiracy to impose a false appearance of facts upon the legislature; and *secondly*, the appointment of an unlawful agency to execute their fraudulent designs.

Such are the views of the petitioners, which they claim to be ready to substantiate, if a full and deliberate investigation be awarded them. They have here presented a brief skeleton of their case, and the evidence to fill it out they allege is within their reach.

The committee will remark, that in matters of legislation, the public interest requires that a subject shall be considered in all its bearings and connections. An enlarged relation of things will induce and justify the action of statesmen and the adoption of measures, which will properly be changed to suit the varying circumstances a subject may present. The legislation of one state is often made to depend on the legislation of another state. The policy of one state may be moulded by the action of an adjoining state. Measures expedient and needful in one relation of things, become hurtful and absurd under a change of circumstances. These enlarged relations enter into the consideration, and properly, from inducement and ground work for legislation. Such relations are facts; they are often the inducements for grants of charter; they form the consideration of the contract on the part of the state, and may not morally and lawfully be misrepresented by the grantee to deceive a legislature into a grant of exclusive privilege.

If there be no error in these general principles, and the allegations of the petition can be sustained by testimony, competent and legal in its character, the committee deem it reasonable that time should be given to produce such evidence.

It is true in regard to the imposition said to have been practiced on the Virginia legislature in 1847, that the alleged trickery and fraud of the Connellsville grant was at the time exposed and denounced by remonstrance from the mayor and council of the city of Wheeling; and that thus the legislature were put on the alert, if they had chosen to investigate, and might have been undeceived in regard to the reality and bona fide nature of that pretension. But it is equally true that the Baltimore company, in the face of this exposure, and in practical denial thereof, continued to urge their possession of a bona fide charter to go to Pittsburg, and gave most solemn assurance of their purpose to act under said charter and to build their road to Pittsburg, unless favorable grants were obtained from Virginia.

The committee do not admit the relation of grantee of chartered privileges to the granting power, to be in all respects the same as that of vendor and vendee in ordinary contracts. The principle of *caveat emptor* which applies in the latter contract, has no binding analogies in case of legislative grants. Such analogies, if they exist at all, apply with more force to the grantee of such favor than to the grantor. The recipient of such grants cannot defend privileges obtained on fraudulent and false representation, by showing that with proper diligence on the part of the legislature, his own fraud and falsehood could have been made manifest.

In a prosecution to rescind a charter, because of undue means used in its procurement, or because of fraudulent misrepresentation of material facts, the gist of the enquiry will be, "*Was the legislature actually duped and deceived by the grantee into the passage of the grant?*" Nor can this issue be parried by proof that notwithstanding this fraud of the grantee, materials of detection and exposure were at hand, furnished by parties aliunde.

It has been well settled by the highest courts in this country, that charters of incorporation are, as between legislative bodies making such grants, and the corporators who have accepted and acted under them, to all intents, contracts, and as such, are of binding obligation on the legislature making the grant. Whilst the legislature may not, of its own will and power, violate or rescind such charter, yet it is entirely competent to that body to challenge the validity and binding force of its own grant, before the courts of justice, on the ground of fraud and deception in the procurement thereof. Courts of justice will annul contracts between individuals where a party has been taken in and overreached by fraud and cunning, nor will they distinguish, where the contract is a grant of special privilege, wrung from a legislative body by ingenious artifice and bold contrivance.

In the incomplete state of the testimony before the committee, they have not been able to arrive at a conclusive judgment on this petition. Without expressing any opinion on the facts, the committee advise that the whole subject be laid over to the next legislature for further enquiry, and that opportunity may be furnished the petitioners to adduce all the evidence which bears on the subject.

A resolution of enquiry into the general conduct and administration of the Baltimore and Ohio railroad company within the limits of this state, offered by Mr. Allen of Hampshire, was also referred to the consideration of the committee. The testimony of two witnesses, Thomas S. Patterson and Samuel A. Pancoast, was taken under this head. Their depositions are herewith filed.

The committee recommend the same course of action in regard to this resolution. Want of time on the part of the committee renders it impracticable to bestow the labor of investigation which the great importance of the subject and the complaints of our citizens call for. The next legislature, with ample time and better preparation for these enquiries, will doubtless give the subject an impartial consideration.

. Your committee respectfully submit the foregoing report, and recommend the adoption of the following resolution :

Resolved, that the commissioners of public works be instructed to receive and collect all information touching the administration of the Baltimore and Ohio railroad within this commonwealth in regard to the rates charged from different points of the said road, and generally to enquire whether, in the management of said road, unequal burthens are imposed on the citizens of this state ; and that the said commissioners be required to report their epucussions to the next general assembly, with suggestions of such remedy (if any be needed) as the evils may require.

W. D. MASSEY, *Ch'm.*

J. S. DAVISON.

J. M. BENNETT.



[DOC. No. LXXVIII.]

# TESTIMONY

RECEIVED BY THE

**SPECIAL COMMITTEE**

ON THE SUBJECT OF THE

BALTIMORE AND OHIO RAILROAD.

1852-3.



## TESTIMONY.

## DEPOSITION OF A. J. MARSHALL.

FEBRUARY 26, 1853.

*Alexander J. Marshall*, being first sworn, in answer to interrogatories propounded to him, answers and says:

*By the chairman.* State all that you know as to the mode and means by which the Baltimore and Ohio railroad company procured the privileges, rights and franchises granted it by Virginia under act of 1847.

[ And leave is given until Monday to answer.]

I have been summoned to testify before this committee as to the facts of my agency in 1847 for the Baltimore and Ohio railroad company. I shall do this with all the brevity consistent with a proper explanation of the subject.

The Baltimore and Ohio railroad company had been an applicant to Virginia from 1843 to 1847 for a grant of way through Virginia to the Ohio river, at a point not lower down than Parkersburg. Their petition, up to 1847, had been denied, and the only grant tendered them was a right to go to Wheeling by a route known as Knight's route, involving a great loss of distance, as well as engineering difficulties pronounced to be impracticable in their nature. This grant was rejected by the company, but had been on two, perhaps three, occasions re-enacted by large majorities, as the only terms on which the legislature would permit the Baltimore road to pass through Virginia to the Ohio.

At the session of 1847 the company engaged my services to procure this "*right of way*." I had become interested in large land claims in Western Virginia, and had concluded to remove my residence for their more convenient prosecution. I felt a strong personal interest in the question, as it promised to multiply the value of the lands I was to acquire. For these reasons, and on the general question of right, I was an advocate of the "*right of way*," and did not hesitate to accept an agency to procure it for the Baltimore company. I was in straitened circumstances, and the magnitude of the fee (\$50,000) stimulated my utmost exertions. My compensation was altogether contingent, and was made to depend on the acceptance of the law, and on the right under the law to reach the Ohio at Parkersburg. The contract was afterwards modified, so as to make my fee payable if the law permitted their road to be built to Fish creek on the Ohio.

I had undertaken no *sinecure* office. The question had been for several years before the Virginia legislature, and was mixed up with much prejudice, misrepresentation and a large share of local and sectional interests. The policy of the state seemed a settled policy adverse to the wants of the Baltimore company. The wishes and interests of the company were cast on me and confided to my keeping. The company knew no one except myself in their employment. The contract was made with me, and I alone was to receive the fee if it was paid.

The amount of the proposed compensation has alarmed public attention, and given rise to much curious speculation and not a little gossip. This is all natural, and is by no means, with me, the subject of complaint. As it is germane to the enquiry, I hasten to assure this committee, and through them, the patriot editors of the Virginia press generally, that it was no part of the design of either the Baltimore company or myself, that any part whatever of this large fee should find its way into the pockets of any member of the Virginia legislature. It will doubtless alleviate the anxious cares of these "sentinels on the watch-towers of liberty," to learn the true theory of this celebrated, and to me, most unfortunate agency.

As before stated, this application had been made for "*a right of way*" every year since 1843. On each occasion the company employed distinguished gentlemen of this state to attend in Richmond and further their interests. They paid out large sums to these agents, and had derived no benefit from their service. They were dissatisfied, and thought their interests had been neglected. In 1847 their emergency had become intolerable. A great desideratum with the company was to secure a zealous and efficient service. They wanted a man of capacity to comprehend their views and arguments, and of character to receive their trust and confidence. One other qualification, and they thought they would have a model agent—*he must be a man in straitened circumstances!!* whose energies could be aroused by the golden promises attendant on success.

From no peculiar merit of my own, of which I am conscious, some partial friends picked me out as a qualified man, and, at the instance of some heavy stockholders, I was invited to Baltimore in November 1846. I determined to see President McLane, and explain the scheme of agency as I understood it. My plan challenged his judgment, and after some negotiation, I was appointed agent of the Baltimore company, to care after their interests before the Virginia legislature.

In this narrative of facts, the committee will see the whole theory of my agency. President McLane wished to secure an active, vigilant and effective advocacy for the company. He made the company's interest my interest, by making \$50,000 to depend on my procuring what the company would accept. He had no design to use this contingent fund in the way of bribes to approachable members, if there were such. His sagacity would have suggested that that thing could not be done on tick. His purpose, as far as I knew, was a legitimate purpose, and his means were sensible and direct to the end proposed. He trusted to my integrity to distribute this large contingent fund among such agents as I chose, and in such amounts as I thought would stimulate an active service. I trusted, with child-like simplicity, that if we got what he wanted, his company would comply with this fair bargain.

No complaint was made of my agency. I carried out, in good faith, the theory of my employment. My subagents were in sufficient numbers, and among them were the most distinguished and valued of our citizens. Their compensation ranged from \$2,500 down to \$500, regulated by service and efficiency. We did our best, and I am quite sure none played booty. My friend Col. Walden and myself were principals in the affair, and paid the actual expenses of many of our agents. We were put to a cost of more than \$2000, besides a whole winter's labor, and absence from our families. In my absence my little property was sold under deed of trust, at half price, and a loss of not less than \$1,500. Such was my fidelity to the trust I had assumed, that neither sickness of my family nor sacrifice of property could draw me from my post.

Well, gentlemen, the law of 1847 was passed. It has been accepted by the company, and they have pronounced it *all* that they needed and better than they expected. I applied for my \$50,000. They disputed the demand. I entreated an arbitration or a compromise. I told them I was too poor to sue. I was kept, at great cost, negotiating, until the act of limitations was about to apply. I was forced, reluctantly, to sue, and their first defence, in requital of my faithful service, was to the effect that their own contract did not bind them, as it was based on an illegal and fraudulent purpose.



This is the whole story of my agency. We thought "*the right of way*" was due to the Baltimore company, for the sake of Western Virginia. We sought to obtain it by all the means usually adopted by lobby members; and I was not aware that any other than fair and truthful representations were made by any of us. Our duties were arduous. Misrepresentation, false issues, sophistical argument, and all the appliances of an excited and interested partizanhip, had extensively prejudiced the claims of the company. We had in charge to meet and battle, as best we could, every assault tending to disparage and defeat the ultimate object of our pursuit, and the officers of the company have done us full justice, *as far as words go*, in an unqualified approval of our exertions.

I say I *was* not, at the time, aware that any other than truthful representations were made by us, to procure the law of 1847. I am now satisfied that I and my agency were made the instruments of the company to practice a gross imposition on the legislature, which was successful, to procure the law of 1847. My mind was brought to this conclusion from a review of my correspondence, held with the president of the company, during the pendency of the struggle in 1847, which I made whilst preparing my cause for trial. I will endeavor to explain the facts, from which I have been led to this judgment, in which, if the committee agree, results of deepest interest to the citizens of this commonwealth may be involved. To comprehend the nature and extent of the alleged imposition, the committee must be impressed with the relation and attitude of the question at the time this false representation was imposed on the legislature. This struggle for "*the right of way*" had been pending before Virginia for several years. There was much of state pride and state jealousy enlisted in the question. The men of that day, with capacious reach of mind, saw the possibility of appropriating the ranges of the Alleghanies to the aggrandizement of our own eastern cities. Virginia was reluctant, by any deed of charter, to hitch her rich western possessions to a city foreign to her own jurisdiction. While the just claim of these people to have an outlet, which Baltimore tendered free of cost, could not be resisted, yet considerations of high state policy imposed stringent restrictions on a road and on a city that must in all time hold position of rivalry, and even of antagonism, to our own future improvements, and to our own Chesapeake cities.

The city of Wheeling invoked successfully these elements of a people's will, and with associated strength, formed an amalgam of combined power in the legislature of Virginia, which, for years, shaped and settled the policy of the state. That policy indicated itself in weighty restrictions on the grant of way to this Baltimore company. It indicated itself in a vigilant jealousy of this foreign power. The rights and interests of our own citizens were carefully preserved. The law of 1845, and the same law re-enacted in 1846, are the proud monuments of this parental policy. These laws embody an intelligent action of a sovereign legislature, based upon a knowledge of the public history of that day.

One great fact, known to Virginia and known before the world, lay at the root of these laws of 1845 and 1846, and rallied the power of the state to pass them. *Pennsylvania had shut her territory on this road, and Baltimore was wholly dependent on Virginia for access to the Ohio river!* Virginia had power to impose what terms on her grant the interest of her people and her own state policy might prompt, and because of this power, these beneficent laws, so regardful of the welfare of our own citizens and so restrictive of the privileges granted to Baltimore, were deeply graven on our statute book.

If this fact had remained in the case, this policy, in my judgment, would have remained unchanged, and the laws of 1845 and of 1846 would have been untouched. But, in 1847, the legislature of Virginia were persuaded to believe that Pennsylvania had relaxed her policy and had granted a right of way to the Baltimore company through that state to Pittsburg. I was authorized and instructed to impress the statement, that unless a favorable grant was made, the Baltimore road would be constructed to Pittsburg, under the said grant from Pennsylvania. I received repeated letters from the president, requiring me to make statements to that effect, and he sent me a copy of one or more of his own letters

written to members of the legislature of Virginia, in which he held out the same view. I was induced to believe that the Baltimore company had ample grants from Pennsylvania, and that unless Virginia offered the inducement of a favorable grant, the Baltimore road would be built to Pittsburg, and Virginia would lose it altogether.

I and my agents used this argument with much effect. It became manifest that a longer adherence to the laws of 1845 and 1846 would deprive Virginia of the road altogether; and in my judgment, this changed state of facts broke down the former policy of the state and resulted in the enactment of the law of 1847.

How far this was an untruthful representation of the facts, and whether any bona fide grant of a right of way to Pittsburg had been obtained, as represented, from Pennsylvania—whether the Baltimore company was not in fact and in truth as entirely dependent on Virginia for the power to reach the Ohio river in 1847 as they had been for several years before that time—in a word, whether the whole story of the Pittsburg law was not a sham and a pageant having no substantial existence, and artfully gotten up to impose upon Virginia and drive her from a fixed state policy to the grant of this law of 1847—are points on which the committee can form a judgment by reference to the history of this Pittsburg grant detailed to the legislature of Virginia in 1847, and to be found in the journal of the house of delegates for 1847, printed document No. 13, page 8, being a memorial of the city of Wheeling.

I believe, myself, that this whole legislation in regard to the Pittsburg connection was a conspiracy and an artifice conceived in a purpose of imposing a false appearance upon the Virginia legislature; and inasmuch as my agency unwittingly was made to minister to this purpose, this exposé is responsive to the question of the committee. I consider that deceptive and fraudulent means, to the extent above indicated, were used in procuring the charter of 1847; and I am satisfied these means greatly affected the results.

I append hereto, for more convenient reference, a history of the manner in which the "right of way" to Pittsburg was obtained from Pennsylvania. It is abbreviated from the Wheeling memorial, and can doubtless be proved if denied.

"There once stood upon the statute book of Pennsylvania a law authorizing a railroad from Pittsburg to Conneleville in that state, about thirty miles from the Maryland line. This law expired by its own terms, in 1842, the road not having been commenced as required. It suited the Baltimore company to revive this grant, with the right to extend the road from Connellsville to the Maryland line; but this could not be done openly, as Pennsylvania had just refused to allow any connection with the Ohio, except on terms that gave every advantage to Philadelphia over Baltimore. It is curious to see the tricks resorted to to attain their purpose.

"An act was passed entitled an act '*for the relief of the overseers of the poor of the borough of Erie, and for other purposes.*' Whilst this bill was pending, several sections were added by way of rider, reviving the Pittsburg and Connellsville act, and authorizing its extension to the Maryland line. Before this law was signed by the governor, the trick was discovered, and a resolution was moved and carried as an amendment to a resolution entitled '*a resolution legalizing the election of a justice of the peace in the borough of Dillsburg, and for other purposes,*' by which so much of the law entitled '*an act for the relief of the overseers of the poor of the borough of Erie, and for other purposes,*' as revived the charter of the Pittsburg and Connellsville company, was repealed. All this trickery took place in 1843.

"In 1846, the Baltimore company made an open and proper application to Pennsylvania for a grant to go to Pittsburg. The whole state was aroused to the great commercial importance of the measure, and most stringent limitations were thrown around the grant. The charter, fairly obtained, could not be accepted, and this Baltimore company resorted again to their cunning and disgraceful contrivances. Whilst public attention was riveted

upon their open and avowed application for a route to Pittsburg, there stood upon the private calender of the house a bill entitled '*an act to authorize the court of quarter sessions of Alleghany county to vacate Delaware lane, and for other purposes.*' Whilst on its passage, the following section was moved as a ryder, and carried:

" 'SEC. 6. *That the 7th section of the resolution entitled an act legalizing the election of a justice of the peace in the borough of Dillsburg, and for other purposes, be and the same is hereby repealed; and that the 7th section of the original act entitled an act for the relief of the overseers of the poor of the borough of Erie, and for other purposes, be and the same is hereby continued in full force.*'

" This matter was so managed that none, except the parties to the fraud, knew or suspected that the law had connection with the right of way, and the existence of the law was not divulged until after the adjournment of the legislature."

I will furnish to the committee extracts from the correspondence of president McLane, which will show the use made of this pretended law of Pennsylvania. I call it a pretended law, because, although in form a law, the grantees under it could take no substantial benefit which they dared to use.

I have indulged a large latitude of narrative, for which I ask the forbearance of the committee. This agency has provoked much of personal remark, and in justice to myself and my most respectable associates, I have desired to give a full statement of all the circumstances.

I herewith exhibit four letters, to be appended to this statement, all emanating from the president of the company, which hold up this Pittsburg grant as a strong inducement to Virginia to change her policy. I have other similar letters (not now in my possession) which impress the same view. The first is a copy of a letter addressed to Andrew Hunter, then a member of the legislature, which was sent to me by Mr. McLane, to apprise me of the arguments he wished pressed upon the house. There is much in these letters not relevant to the point of the present enquiry. For convenience, I have italicized the parts of these letters I conceive to bear on the question.

I am now prepared to answer such specific questions as the committee desire to propound.

MARCH 2, 1853.

EXAMINATION OF A. J. MARSHALL—*Continued.*

*Question by Mr. Russell.* How many associated agents had you with you in the winter of 1846-'71?

*Answer.* Fourteen or sixteen, including myself. The most of them were here during the winter. They resided in different parts of the commonwealth.

*Question by the same.* Was it made known to the members of the legislature generally that those persons were in the employment of the Baltimore and Ohio railroad company?

*Answer.* It was not made known, except by the general and open advocacy of the interests of the Baltimore company, and became a fact known to the public, and was charged in the house of delegates that the company had such agents in their employ.

*Question by Mr. Jackson.* Who were the agents employed by you?

*Answer.* John Walden, Sam'l Chilton, Wm. McCoy and Charles Hunton, sr., from Fauquier; John S. Pendleton from Culpeper; Wm. C. Norris of Baltimore, formerly of Fauquier; John A. Parker of Tappahannock, now congressional librarian; Jos. Segar of Elizabeth City; Albert G. Pendleton and W. H. Nench of Giles and Mercer; R. B. Semple and Wm. S. Scott of Fredericksburg. I think there were two or three more, whose names are not now recollected.

*Question by Mr. Speed.* Please state if the Baltimore and Ohio railroad company in the winter of '46 and '47, within your knowledge, procured or endeavored to procure the votes of any members of the general assembly by pecuniary rewards paid or promised.

*Answer.* I was the sole agent employed directly by the company, and no such effort was made within my knowledge.

*Question by the same.* Was any member of the legislature employed by you or the company in procuring the right of way asked?

*Answer.* None, within my knowledge or belief. Some of the agents had been members, but were not so at that time.

A. J. MARSHALL.

DOCUMENTS

REFERRED TO BY

**ALEXANDER J. MARSHALL,**

IN

HIS EXAMINATION.



## LETTER FROM LOUIS McLANE TO ANDREW HUNTER, ESQ.

OFFICE OF THE BALT. &amp; OHIO R. R. Co.

January 7th, 1847.

DEAR SIR.

I received only this morning your letter of the 4th instant, in which you inform me that among the statements circulated to prejudice the grant of a right of way to the Baltimore and Ohio railroad company, or of an independent connecting road through the state of Virginia, it is represented to be absolutely certain, if the legislature will stand firm during the present session, in refusing to interfere with the right of way as heretofore granted, making Wheeling the sole terminus, &c., this company will at once yield, and proceed to make the road according to the provisions of the act; and that it is further represented "that negotiations are now pending between the parties representing the interests of Wheeling and the authorities of the Baltimore and Ohio railroad company, having that object in view."

If the most solemn assurance from me can suffice to refute these misrepresentations, I can have not the slightest hesitation in giving it in the most explicit form.

There is not the shadow of truth in either of them. You are probably aware that at the stockholders' meeting in July '45, the stockholders, with only two dissenting shares out of the whole number of shares represented, explicitly, and as they believed and yet believe, finally, rejected the law; and there cannot be the slightest doubt, *although in other respects the law was objectionable*, that the prescribed route by which the road was to be made to Wheeling, formed the prominent and chief ground of its rejection.

The proceedings of the stockholders' meeting show this most conclusively. It will be observed also, that the alterations, if such they may be called, by the law of the last session, related to points the least offensive of all, and which, if other things had been satisfactory, would not have interposed insuperable objections. One would think that these facts, taken in connection with the utter neglect with which the supplement of the last session had been treated by all parties, would convince the most incredulous that any expectation of prosecuting the road to Wheeling by the route prescribed by the existing law was utterly hopeless and preposterous. *Indeed, if it had been possible to reconcile any interest connected with this work or with this city to making the road by the prescribed route to Wheeling, it might have been expected to grow out of the divisions which to a certain extent prevail in this community in regard to the amount of aid proper to be contributed to an immediate connection with Pittsburg; and yet it may with truth be stated, that even those, the least inclined to a large expenditure for the connection with Pittsburg, are strenuous and unyielding in their opposition to the prosecution of the road by the proposed route to Wheeling.* I suppose that even those, the most unfriendly to the grant of an unrestricted choice of the right of way within the limit of our original charter, will not hesitate to believe that negotiations between the parties representing the interests of Wheeling and the authorities of the Baltimore and Ohio railroad could not be pending without my participation or knowledge; and I do most explicitly assure you, not only that no such negotiations are pending, and that the statement so which you refer is utterly unfounded, but that under no circumstances could this company be induced to attempt to make the road under the provisions of the charter as now granted, and that no proposition for this purpose, offering any inducement or consideration whatsoever, would for a moment be entertained.

I may with no less explicitness assure you and the legislature, if that honorable body shall "at their present session stand firm and refuse to interfere with the right of way as heretofore granted," that the company will not only not yield and not proceed to make the road according to the provisions of that act, but, if impracticability can admit of degrees, such refusal would expose the law to greater disfavor than before. *I hope you will believe that I am incapable of attempting to "play off" the legislature of one state against that of another, or by affecting one thing to accomplishment of another; and if there be any who would take so unjust a view of my character as to suspect me of such a course, I should hope the last annual report and my recent communication to the Pittsburg company would exempt me from any such imputation. And resting, therefore, upon the entire frankness and unreserve of both these documents, I have only to add, that while another refusal by the legislature of Virginia would certainly aggravate the disappointment in this community, and in all probability strengthen the desire to make a terminus of the road at Pittsburg, it would inevitably render the probability of making the road to Wheeling "under the provisions of the charter as now granted" even more remote than ever.*

I wish it were possible, for the sake of the interests of the city they represent, to convince the agents advocating the pretensions of *Wheeling*, of the utter hopelessness of forcing this company to waste its funds upon an impracticable route, by a continued denial of some other which it might advantageously adopt; and they ought in reason to consider that if these efforts failed when it was thought impracticable to go to the Ohio river excepting through the state of Virginia, it would be absurd to hope for better success now, when the means of reaching the river at another and important point in Pennsylvania are placed at our option.

I remain, dear sir,

With esteem and regard,

Your obedient servant, &c.

ANDREW HUNTER, Esq.

*Of the House of Delegates, Richmond.*

L. McLANE.



## LETTER FROM LEWIS McLANE TO A. J. MARSHALL.

JANUARY 23, 1847.

DEAR SIR,

I wrote you a hurried letter last night, and enclosed you Mr. A. Hunter's last communication.

If there be weight in his suggestion—of which those on the spot and familiar with the same in all its parts must best judge—the danger which would appear to me most imminent is, that after a defeat of the general grant the Wheeling agents might be less willing to concur in any middle course. How could that interest be operated upon after the failure of a general grant? or would there be strength to carry Fishing creek against her by other interests opposed to Parkersburg, but willing to compromise upon a more northern point? appear to me to be questions deserving the utmost consideration. I believe Knight is sincere in his belief that he might induce us in fact to go to Fishing creek, even with the privilege of terminating at Fishing creek; and while under that conviction, he might advise a compromise not lower than Fishing creek. If by an early movement, or advocating it at once and throughout, you *could be certain* of effecting the compromise to Fishing creek, why risk the danger indicated by Mr. Hunter? is a question I must leave, and I do it with a ready and cheerful confidence, to you, gentlemen, who are acting with so much better knowledge of all the circumstances that should control the decision.

*Being now thoroughly convinced that the present session is a crisis in our operations, and that without another choice than Knight's route to Wheeling, there will be no longer any hesitation in directing our whole energies to Pittsburg—a point in my judgment preferable to no other privilege than that of going to Wheeling by Knight's route—I cannot too strongly express my solicitude for definite action before the rising of the legislature.*

After writing the foregoing, my son brought me a letter from R. M. T. Hunter, and I enclose it for your confidential perusal, wishing you to return it to me after reading it. Hunter's letter confirms my idea of the ultimatum of Wheeling, and it is for that purpose that I send it to you. If I am not mistaken, Haymond is the delegate from Marion, and if you can secure him, you will force Wheeling in. That would also secure Willey of the senate. You may, if you deem it advisable, read to A. Hunter so much as relates to the railroad affairs; and I hope I do not mistake the probabilities of the case, when I express the opinion that you may succeed with a compromise not lower down than Fishing creek.

I am, dear sir,

Respectfully, yours,

LOUIS McLANE.

A. J. MARSHALL.



## LOUIS McLANE TO A. J. MARSHALL.

FEBRUARY 5th, 1847.

DEAR SIR,

The loss of the mail last night prevented me from receiving yours of the 3d until this morning.

The route to "Grave Creek" is even more absurd, if possible, than to Wheeling. It would, in fact, comprehend the worst parts of Knight's route, and make it more advantageous to go to Wheeling without touching at "Grave Creek." This will be fully shown by the letter of our chief engineer, which I now enclose for your use and that of Mr. Hunter.

This offer of Edgington may be in part an attempt to keep the delegate from Marshall from flying off to Fishing creek. He may apprehend that the counties interested equally or more in a line to Fishing creek, may prefer the certainty of that point, and desert Wheeling rather than lose the whole, and without some concession to Marshall, he might fear to lose that also. Hence he offers Grave creek, a central point on the river in that county. Therefore, when the delegate from Marshall shall be convinced, as he may be, that he will under no circumstances take Knight's route or any part of it—and even if it were possible to force us to adopt it at all, it would be preferable to shun Grave creek and follow the entire route to Wheeling—he must see that his only chance is Fishing creek. The conclusive rejection of Knight's route already made, must convince him that the parts of the route to Grave creek being as objectionable as the whole, that we will under no circumstances pursue it; and Mr. Latrobe's letter will convince him on the second head. In this dilemma Fishing creek would be the best chance.

But is it possible, with the facts stated in Mr. Latrobe's letter, that the legislature would be brought to consider the right of touching at Grave creek any concession whatever? It would in truth be rendering Knight's route more odious than ever, and cause it to be indignantly scouted by the whole body of the stockholders; and, unless I hear from you to the contrary, I hope to be able to induce them so emphatically to declare at their meeting on Monday.

*I assure you, Sir, that there could not be the slightest hesitation in abandoning the route altogether, and forever, rather than think of making the road to Grave creek. It is impossible.*

*If the Parkersburg men, after so hard and hazardous a fight to their favorite route, should refuse us Fishing creek, and drive us from the state, it would be a poor return for all the labor we have had. It would more nearly than anything else reconcile all parties to the Pittsburg scheme, by showing the utter folly of farther attempts to reconcile irreconcilable passions. If Parkersburg can insure us Fishing creek now, they will have the next winter, and in fact every session, until we get far forward, to give the line a wider extension. We could work on with that view, and by this means they would at least have no bad chance of obtaining a modification of the law, which chance they would inevitably lose if they now drive us out of the state altogether.*

*I will thank you to allow Mr. Hunter to read this letter as well as the enclosed.*

I am, dear Sir,

Respectfully,

Your ob'd't serv't,

LOUIS McLANE.

A. J. MARSHALL, Esq.



## LETTER FROM LOUIS McLANE TO ALEXANDER J. MARSHALL.

FEBRUARY 22.

DEAR SIR,

I have directed the "Patriot" and "Sun" newspapers, containing a notice of our stockholders' meeting, and a preamble and series of resolutions offered by me. They are, I presume, sufficiently comprehensive and explicit for all purposes. They passed at one of the largest meetings ever assembled, with great unanimity—John H. Alexander only voting in the negative, and he owning thirty-one shares! The meeting directed his name to be recorded as the only negative, and I presume no one will hereafter question that he is "*the friend of Wheeling!*" There was a strong sense of indignation against Wheeling, which, in the course of my remarks, I found it necessary rather to allay than encourage. Very few observations, well directed, would have been needed to rouse it into the greatest action, and to place it in a *most disagreeable situation*.

*The report of the committee appointed at a former meeting, while it reported the preference for a Southern route, treated Pittsburg as one of considerable importance, and deeming it unsafe to lose that certainty amid the conflicting views prevailing at Richmond, recommend an unconditional subscription, by the company to the Pittsburg and Connelsville company, of \$600,000, upon a contribution by the city and citizens of such balance as with the Pittsburg subscription will complete the road to the state line, leaving this company to fill up the gap at its own expense, which will invoke an expenditure by us, in all, of about \$2,300,000. That the requisite amount will be contributed by the city authorities and the citizens, unless an acceptable law can be passed at the present session at Richmond, there can be no doubt; and then all our energies must be employed in a Northern direction. My resolutions were intended to give effect to the report of the committee, and to afford a satisfactory proof to the Pittsburg company, and to the public generally, that we are in earnest, and mean in good faith to do what we have promised. I thought this concession justly due to the masses in this community, who had given me their support, from a generous confidence that I would not allow them, by an obstinate preference on my part of a Southern route, to lose them both; and I also thought it was due to my own self-respect and consistency. I believe the passage of a law in Richmond, which we could accept, would arrest the subscription by the city authorities and by individuals for the present, and at any rate leave the gap open until we could make our road to Fishing creek; but without such law, the energies of all parties will be roused to redoubled exertion.*

*It was absolutely necessary that we should do something now. A further adjournment beyond the stockholders' meeting at Pittsburg on the 25th would have been interpreted injuriously, and I could conceive of no more judicious expedient than that we have adopted. Pittsburg must now wait to see what the city authorities and the people will do; and Wheeling and all others in Virginia will see that, without any improper boast, we have formed our determination, and must steadily adhere to it.*

*WHEAT was at the meeting, I learn, only a short time. My address and resolutions took him by surprise, and he speedily went away. If he report truly, he will take back to his allies nothing to console them now or hereafter. But we may expect even a garbled account of proceedings at once unanimous and explicit; and of the future misrepresentations, from a quarter prolific on the part of so much falsification, it is possible to conjecture. Against all such my preamble and resolutions must supply the antidote. They shew what we will not accept from Virginia, and that we will go to P—, if we can't go South upon reasonable terms. They*

*show, moreover, that in what I have written I did not misrepresent or exaggerate the opinions of the stockholders. More even than I asserted is now unanimously confirmed by a large meeting, and Mr. Edgington can no longer aver that my word is to be taken with allowance.*

WHEAT had no conference with our committee. His chief companion here was Alexander.

Hoping soon to hear.

I am, &c. &c.

L. MoLANE.

A. J. MARSHALL, Esq.

Alexander said at the meeting that my resolution, if passed, would close the door to arrangement or to any bill in Richmond.

## TESTIMONY.

*Continued.*

## DEPOSITION OF JOSEPH SEGAR.

MARCH 3, 1853.

*Joseph Segar, being first sworn, in answer to interrogatories, answers:*

*Question by the chairman.* Were you an agent, employed by Mr. A. J. Marshall, in behalf of the Baltimore and Ohio railroad company, to procure for said company in the year 1847, from the legislature of Virginia, the right of way through the territory of Virginia to the Ohio river? If aye, state, 1st, the general character of your agency; 2d, whether you were authorized to state that the company would construct their road to Pittsburg, unless a favorable grant should be obtained from Virginia?

*Answer.* I was engaged by Mr. Marshall to assist him in procuring the right of way described in the first part of the foregoing enquiry. I think I was so engaged about the 16th day of January 1847, and continued in said agency, actively employed, from that period or thereabout, until the adjournment of the legislature.

The agency, so far as I was concerned, was one altogether of argument. Both orally, and by articles printed in the public press, I enforced the justice and policy of the grant by the legislature of the right of way asked for by the Baltimore and Ohio railroad company. To this end I wrote sundry elaborate essays, vindicating the right of way, which were published in the newspapers of the day, at the expense of Mr. Marshall: among them two dialogues, printed in the Richmond Enquirer of February 3d and 8th, 1847—and several less elaborate, which appeared from time to time in the public prints from the commencement of my agency to its termination. The reasoning employed in these papers, and such other considerations as my understanding could suggest, of a character wholly legitimate, indicate the whole character of my agency and the nature of the efforts made by me to obtain the right of way before mentioned. I used the arguments at my command, freely and publicly, to members of the legislature individually by oral communication, and to the legislature and the public generally through the medium of the press. If I used any other influence, I am not aware of it. I never to any disclosed my agency, but I believe it was generally supposed that I was an agent acting in behalf of the company.

To the second branch of the interrogatory, whether I was instructed to urge that, in the event of not getting a favorable grant from Virginia, the company would construct its road to Pittsburg, I have to say, that I was instructed by Mr. Marshall, on the faith of letters from Mr. McLane, exhibited to my inspection, to urge it upon the members of the legislature that unless that body would speedily grant to the company a right of way more favorable than what was then known as "Knight's route," the company would construct their road to Pittsburg, and that thus the state of Virginia would lose all the benefit of having the road constructed through her territory.

I pressed this argument constantly and most earnestly. I addressed it particularly to the Tidewater delegation, arguing to them that it was their especial interest to grant to the company an acceptable right of way; for that if Virginia should lose the road by its going to Pittsburg, she would be called on to make herself a similar improvement for her Northwestern people, and that, in that event, the people of Eastern Virginia would be taxed to

make improvements, which, with a favorable grant, would be built by Maryland, and of course without cost to the people of the Tidewater or any other section of our own state. I urged this view in several articles which were published in the newspapers, as well as to the members personally; and my belief is that this view of the subject had much weight, and led materially to the modified route which was afterwards accepted by the company. I know, personally, that it governed the action of several members of the legislature.

*By Mr. Russell.* Did you publish any articles concerning "the right of way" in any newspapers other than in the city of Richmond?

*Answer.* I think I wrote several for the Norfolk Herald and Fredericksburg paper. They appeared as letters from Richmond.

*By the same.* Did you or others associated with you in the agency, as far as you know, advocate the passage of the act which was passed at that session granting the Baltimore railroad company the right of way to Wheeling?

*Answer.* I did, and I believe others of my associates did, after the bill known as "Hunter's bill" (which was more acceptable to the company) had been lost. We used our efforts to defeat amendments proposed to the bill, which were regarded as exceptionable by the company, and they were defeated.

JOS. SEGAR.



AFFIDAVIT OF COL. JOHN WALDEN.

FEBRUARY 26, 1863.

*Col. John Walden*, being sworn, in answer to interrogatories propounded to him, says:

*By the chairman.* State all that you know as to the mode and means by which the Baltimore and Ohio railroad company procured the privileges, rights and franchises granted it by Virginia under the act of 1847.

[Leave is given till Monday for answer.]

*Answer.* I have read the answer of A. J. Marshall to the above interrogatory, and wish to adopt that as my own answer. We were associated in the agency, and have acted together in the affair. I could make no other statement, and will answer any other questions that may be proposed by the committee.

JOHN WALDEN.

## DEPOSITION OF THOMAS L. PATTERSON.

FEBRUARY 26, 1853.

*Thomas L. Patterson*, being first sworn, in answer to interrogatories propounded to him, answers and says:

*By Mr. Wallace.* State all that you know in relation to any discriminations upon the part of the Baltimore and Ohio railroad company against the Chesapeake and Ohio canal company. State if you know of any refusal upon the part of said railroad company to transport tonnage to be forwarded on the said canal, and the reasons for said refusal, and give generally what information you may possess as to the course pursued by the Baltimore and Ohio railroad company in relation to its trade and tonnage intended for the canal, and in relation to its compliance with the requisitions of its charter in reference to the canal company.

[ Leave is given until Monday to answer. ]

FEBRUARY 28, 1853.

*Answer.* I have very little information in regard to the rates charged for toll and freight on the Baltimore and Ohio railroad, and I cannot say that I know of any discrimination against the canal company. The toll sheet printed for the use of the public is several years old, and I am not aware that changes in the rates of tolls which have been made since its publication have been printed, or put in such form as to be ascertained without application to the agents of the company.

The Ohio and Chesapeake canal company have not yet called upon the Baltimore and Ohio railroad company to make the connection with the canal required by the Virginia law of 1847, but I have understood and believe that application has been made to the president of the railroad company by parties who wished to send coal by the railroad to the canal at Cumberland, and that his reply was that the railroad should not be used as a feeder for the canal.

The railroad company has the right, without a violation of their charter to charge an amount for toll and freight on articles, to be sent by the canal, that will be equivalent to a prohibition on their transportation.

This right they have already exercised in the case of the connection with the canal at Dam No. 6.

*By the chairman.* What is your connection with the Chesapeake and Ohio canal company.

*Answer.* Engineer and general superintendent.

Signed,

THOMAS L. PATTERSON.

## AFFIDAVIT OF SAMUEL A. PANCOAST.

*Samuel A. Pancoast*, being solemnly affirmed, deposes as follows:

*By the chairman.* You have heard the sixth section of an act entitled an act to authorize the Baltimore and Ohio railroad company to construct the extension of their railroad through the territory of Virginia. Will you state if you know of any violation of said section by said railroad company?

*Answer.* My depot is twenty-five miles east of Cumberland. It is the Papaw depot. I am engaged in the iron business. The depot is not the property of the railroad. It belongs to an agent of the company. There is a switch there. The charges on iron from Cumberland to Baltimore at that time was \$3 per ton—i. e. till within the last year. The charges from Papaw depot to Baltimore were \$4 50 per ton—these were winter rates. I moved to my works in the spring of 1847. I have shipped iron to Cumberland to be transported to Baltimore to save freight, and did save 50 cts. per ton. From Papaw depot to Cumberland the charge is \$1 per ton; and, within the last year, from Cumberland to Baltimore the charge is \$2 65 per ton; and I am now paying the sum of \$2 65 per ton daily from *Papaw* to Baltimore.

I pay more from Baltimore to Papaw on coal than is charged to Cumberland from Baltimore, but am unable to say how much more. From Papaw to Baltimore the price now is the same as from Cumberland to Baltimore on passengers. Formerly, the charge from Baltimore to Papaw was \$6 16, and to Cumberland from Baltimore it was \$7, as near as I can recollect.

Signed,

S. A. PANCOAST.



[DOC. No. LXXIX.]

# REPORT

OF THE

**JOINT COMMITTEE**

TO EXAMINE

THE TREASURER'S ACCOUNTS.

1852-3.



## REPORT.

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The joint committee of the senate and house of delegates to examine the treasurer's accounts have performed that duty, and now submit the following report:

The vouchers of the treasurer, both of receipts and disbursements into and out of the treasury, on the orders and warrants issued by the first and second auditors during the two fiscal years last passed, have been examined and compared with the entries on the journals of his office, and found to agree. The additions were also made, and found correct.

The joint committee, pursuing the course of former committees of testing the treasurer's balances, addressed a circular (a copy of which is herewith communicated) to each of the auditors, for statements showing what amount of money was in the treasury on the mornings of 1st October 1851, 1st October 1852 and 1st February 1853; and also to each of the presidents of the deposit banks, for the amount actually in bank at that time to the credit of the treasurer of the commonwealth.

The statements furnished by the first and second auditors exhibit a balance against the treasurer, on the morning of the 1st February 1853, of two hundred and eighty-six thousand eight hundred and seventeen dollars and three cents to the credit of the following accounts, to wit:

Commonwealth,	-	-	-	-	123,138 08
Literary fund,	-	-	-	-	10,641 63
Board of public works,	-	-	-	-	153,037 32
					286,817 03

To which add, for two warrants issued by second auditor on account of the Board of public works, and not presented at the treasury prior to 1st February 1853,					20 50
					\$ 286,837 53

The following statement, from the books of the treasurer, exhibits the amounts to the credit of the foregoing accounts on the mornings mentioned below, which correspond:

	1st October 1851.	1st October 1852.	1st February 1853.
Commonwealth,	30474 02	37628 82	123138 08
Literary fund,	24153 93	36858 36	10641 63
Board of public works,	39496 83	15049 96	153057 82
	\$ 94124 78	89537 14	286837 53

The answers received from the presidents of the deposit banks show the amount on deposit to the credit of the treasurer on the morning of the 1st February 1853, as per following statement, (in which is embraced the amount on deposit in bank, as per treasurer's books,) viz :

	Bank of Virginia.	Farmers Bank.	Exchange Bank.	Totals.
Bank statements, -	95141 75	98433 19	96663 43	290238 37
Treasury office books, -	94209 62	97453 89	95174 02	286837 53
Difference, -	\$ 932 13	979 30	1489 41	3400 84

The above statement gives an excess in the banks of three thousand four hundred dollars and eighty-four cents to the credit of the treasury, which is accounted for by the checks of the treasurer issued prior to and not paid at bank on the morning of the 1st February 1853; also certificates of deposit paid into bank and not returned to the treasury office.

The committee are of opinion that although the accounts of the treasurer are kept in the same manner they have been for more than thirty years, yet they think they could be greatly simplified; and while they are not exactly prepared at this time to offer any other plan, they call attention to the subject as worthy of legislation.

Your committee, from their observation of the duties of the clerks in this office and the faithful manner in which they appear to discharge them, think that their salaries ought to be increased in proportion to the duties performed.

The committee would suggest the propriety of appointing by the legislature a temporary officer, to be styled "The Register of the Treasury," whose duty it shall be to keep a register of the notes issued under the new banking law, and also to fill up and sign coupons attached to coupon bonds—both of which are accumulating. While such an officer would relieve the treasurer from the onerous duties now imposed upon him, it would in the end result in a great saving to the commonwealth.

CHARLES MASON, C. C. S.

JNO. THOS. GIBSON, C. C. H. D.



## CIRCULAR.

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COMM'TEE ROOM TREAS'Y DEP'T,  
February 28, 1852.

SIR,

We respectfully request that you will furnish us with a statement exhibiting how much money has been paid into and out of the treasury, through your office, between the 30th day of September 1851 and the 1st day of February 1853, and showing the balances on the 1st October 1851 and 1852.

Very respectfully, yours, &c.

CHAS. MASON, C. C. S.  
JNO. THOS. GIBSON, C. C. H. D.

To

Esq.

*Auditor.*



## A STATEMENT

*Showing the amount paid into and out of the Treasury, through this office, between the 30th day of September 1851 and the 1st day of February 1853, and showing the balances on the 1st October 1851 and 1852.*

Balance against the treasurer on the 1st of October 1851,	-	-	30,474 02
Amount paid into the treasury from the 1st of October 1851 to the 30th of September 1852, inclusive,	-	-	1,279,527 17
			<u>1,310,001 19</u>
Amount of warrants issued from 1st of October 1851 to 30th of September 1852, inclusive,	-	-	1,272,382 70
Add warrants Nos. 9665 and 9934, issued prior to and paid within this fiscal year,	-	-	10 36
			<u>1,272,393 06</u>
Deduct warrants 5192 and 6252, issued within and unpaid at the close of this fiscal year,	-	-	20 69
			<u>1,272,372 37</u>
Balance against the treasurer 1st of October 1852,	-	-	37,628 82
Amount paid in October 1852,	-	-	55,599 42
November 1852,	-	-	51,391 51
December 1852,	-	-	326,282 63
January 1853,	-	-	198,571 90
			<u>669,474 28</u>
Amount of warrants issued in October 1852,	-	-	79,385 34
November 1852,	-	-	57,717 37
December 1852,	-	-	287,995 28
January 1853,	-	-	121,590 56
Add warrant No. 6252, issued prior to and paid since the 1st of October 1852,	-	-	17 21
			<u>546,705 76</u>
Deduct the following warrants, which appear by the treasurer's books to have been unpaid on the 1st of February 1853, viz:			
1671, \$15; 1672, \$15; 1673, \$25; 2711, \$82; 2790, \$60; 2791, \$23 15; 2791, \$67; 2820, \$8 87; 2979, \$4; 3017, \$5 37; 3059, \$56 17; 3067, \$8,	-	-	369 56
			<u>546,336 20</u>
Balance 1st of February 1853,	-	-	<u>\$123,138 08</u>

RO. JOHNSTON,  
Aud. of P. Acc'ts.

Auditor's Office, March 1, 1853.



<b>Amount received by the treasurer, on account of the commonwealth, from</b>			
1st of October 1851 to 30th September 1852,	-	.	- 1,279,527 17
Balance on hand 1st of October 1851,	-	-	- 30,474 02
			<hr/> 1,310,001 19
Amount disbursed from 1st of October 1851 to 30th of September 1852,	-		- 1,272,372 37
Balance on hand 1st of October 1852,	-	-	- 37,628 82
Amount received from 1st of October 1852 to 1st of February 1853,	-		- 631,845 46
			<hr/> 669,474 28
Amount disbursed from 1st of October 1852 to 1st of February 1853,	-		- 546,336 20
Balance on hand 1st of February 1853,	-	-	- \$123,138 08
			<hr/> <hr/>

JAS. W. SPRATLEY, *First Clerk.*

*Treasury Office, February 28, 1853.*

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SECOND AUDITOR'S OFFICE,  
February 28, 1863.

GENTLEMEN,

I herewith hand you the statement of receipts and disbursements called for in your communication of this date.

Very respectfully,

Your ob'd't serv't,

WM. L. JACKSON,  
*Second Auditor.*

CHARLES MASON, Esq., C. C. S.  
JOHN T. GIBSON, Esq., C. C. H. D.





## STATEMENT

*Showing the amount of Receipts and Disbursements at the Treasury Office on account of the Literary Fund and Board of Public Works, from 1st October 1851 to 1st February 1853.*

	Literary Fund	B'd P. Works.
Balances in treasury 1st October 1851, -	24153 93	39496 83
Received from 1st October 1851 to 1st October 1852, -	122672 46	3877613 03
Disbursed from 1st October 1851 to 1st October 1852, -	146826 39	3917109 86
	109968 03	3962059 90
Balance in treasury 1st October 1852, -	36858 36	15049 96
Received from 1st October 1852 to 1st February 1853, -	36538 25	1685601 76
Disbursed from 1st October 1852 to 1st February 1853, -	73396 61	1700651 72
	62754 08	1547593 90
Balance in treasury 1st February 1853, -	10641 63	153057 82
Balance, per statement second auditor, -	10641 63	153037 32
Difference, -		20 50
Accounted for by warrants No. 1259 for \$15, and No. 305 for \$ 5 50, issued by second auditor and not presented at the treasury office prior to 1st February 1853, -		20 50

*Treasury Office, 28th February 1853.*



## STATEMENT

*Exhibiting how much Money, on all accounts, has been paid in and out of the Treasury on the Warrants of the Second Auditor, between the 30th September 1851 and the 1st February 1853.*

	Literary Fund.	Board of Public Works.	Totals.
Balances in the treasury 1st October 1851, -	2415 1 93	39496 83	63650 76
Received between Oct. 1, 1851, and Oct. 1, 1852, -	122672 46	3877613 03	4000285 49
	146826 39	3917109 86	4063936 25
Disbursements during the same period, -	109968 03	3902059 90	4012027 93
Balance in treasury Oct. 1, 1852, -	36858 36	15049 96	51908 32
Received between Oct. 1, 1852, and Feb. 1, 1853, -	36538 25	1685601 76	1722140 01
	73396 61	1700651 72	1774048 33
Disbursements during the same period, -	62754 98	1547614 40	1610369 38
Balance in treasury Feb. 1, 1853, -	\$10641 63	\$153037 32	\$163678 95

F. E.

THOMAS H. DE WITT,  
1st Clerk.

Second Auditor's Office,  
28th February 1853.



## CIRCULAR.

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COMMITTEE ROOM, TREASURY DEPT.,  
February 28th, 1853.

SIR,

The undersigned, chairmen of the joint committee to examine the treasurer's accounts, respectfully request that you will furnish them with a statement showing the amount of money in the bank over which you preside to the credit of the treasurer of the commonwealth on the mornings of 1st October 1851 and 1852, and on the morning of 1st February 1853.

Very respectfully, &c.

CHAS. MASON, C. C. S.  
JNO. THOS. GIBSON, C. C. H. D.

To

Esq.

*President*

*Bank of Virginia.*



BANK OF VIRGINIA, *Richmond*,  
February 28, 1853.

I have to report, in compliance with your request, that the amount of money in this bank to the credit of the treasurer of the commonwealth was—

On the morning of 1st October 1851,	-	-	\$ 33,175 07
1st October 1852,	-	-	31,640 60
1st February 1853,	-	-	95,141 75

Yours very respectfully,

JAMES CASKIE, *President*.

CHAR. MASON, Esq., C. C. S.

JNO. THOS. GIBSON, Esq., C. C. H. D.





FARMERS BANK OF VA., *Richmond*,  
February 28, 1853.

GENTLEMEN,

I have the honor to report, in answer to enquiry made in your note Thursday, that the amount to the credit of the treasurer of Virginia in this bank was —

On the 1st day of October 1851,	-	.	-	-	\$ 46,163 89
October 1852,	-	-	-	-	27,701 90
February 1853,	-	-	-	-	98,433 19

I am, very respectfully,

Yours, &c.

WM. H. MACFARLAND, *Pres't.*

CHARLES MASON & JOHN T. GIBSON, *Esqs.*

*Chairmen, &c., &c.*



**BRANCH EXCHANGE BANK OF VA., *Richmond*,  
March 1, 1853.**

**GENTLEMEN,**

In reply to your enquiry of yesterday's date I have to state that there was to the credit of the treasurer of the commonwealth of Virginia,

On the morning of the 1st October 1851,	-	-	-	\$26,564 91
October 1852,	-	-	-	31,005 43
February 1853,	-	-	-	96,663 43

Yours, very respectfully,

**J. C. HOBSON, *Pres't.***

**MESSRS. CHARLES MASON, *C. C. S.***

**JOHN T. GIBSON, *C. C. H. D.***



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